United Nations

Press Release

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Background Release

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UNITED NATIONS COMMISSION ON HUMAN RIGHTS TO HOLD FORTY-SEVENTH SESSION AT GENEVA, 28 JANUARY - 8 MARCH

To Focus on United Nations Efforts to Promote World-Wide Respect For Human Rights, Examine Situations of Human Rights Violations

GENEVA, 21 January (UN Information Service) -- United Nations efforts to promote world-wide respect for human rights and fundamental freedoms will once again be the focus of the annual session of the Commission on Human Rights, which begins here on Monday, 28 January, at the Palais des Nations.

The 43-nation Commission is the main United Nations human rights body. As such, it meets once each year to consider measures to serve as policy guidance for United Nations programmes and activities in this field and to examine specific situations and phenomena of human rights violations.

During its 1991 session, which ends on 8 March, the Commission will examine, among other things, the question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and Territories, including those which appear to reveal a consistent pattern of gross violations of human rights. Before the Commission will be reports by Special Rapporteurs, Special Representatives or independent experts on the human rights situation in Afghanistan, El Salvador, Iran, Haiti and Romania.

In addition, Commission members will discuss the question of human rights in Cyprus and the violation of human rights in the occupied Arab territories, including Palestine. The human rights situation in Albania, Chile, Cuba and southern Lebanon will also be examined.

Furthermore, the Commission's subsidiary body, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, adopted during its forty-second session last year resolution 1990/13, entitled "Situation in Iraq and occupied Kuwait", in which it recommended that the Commission study at this session the evolution of the human rights situation in Iraq.

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In this connection, it should be recalled that the General Assembly in resolution 45/170, entitled "The situation of human rights in occupied Kuwait", requested the Commission at its present session to consider the situation of human rights in occupied Kuwait.

As in previous sessions, the Commission will examine, in closed session, in accordance with Economic and Social Council resolution 1503 (XLVIII), confidential communications relating to violations of human rights and fundamental freedoms.

The Commission will also examine reports by Special Rapporteurs on certain phenomena, such as summary or arbitrary executions, religious intolerance, mercenaries and sale of children.

With regard to the right of peoples to self-determination, the Commission will consider the question of Western Sahara as well as the situations in Afghanistan, occupied Palestine, southern Africa, Cambodia and Panama.

The Commission will act on a number of resolutions and decisions adopted by the Sub-Commission at its 1990 session and dealing with a broad range of human rights concerns (document E/CN.4/1991/2). These include draft instruments on indigenous rights and on protection from enforced and involuntary disappearance, as well as resolutions on the independence and impartiality of the judiciary and human rights and the environment.

Following the adoption of Assembly resolution 45/155, on the World Conference on Human Rights, the Commission will also make recommendations to the Preparatory Committee in connection with convening of the 1993 Conference. The Preparatory Committee is scheduled to meet for five days in September in Geneva.

Human Rights of Detainees and Prisoners

Another agenda item relates to the human rights of all persons subjected to any form of detention or imprisonment. Issues to be examined in this area include: torture and other cruel, inhuman or degrading treatment or punishment; the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the question of enforced or involuntary disappearances.

The Commission has considered this item annually since 1984. Action taken by the Assembly so far includes the adoption of a Declaration and a Convention against Torture; establishment of the United Nations Voluntary Fund for Victims of Torture; and adoption of the Code of Conduct for Law Enforcement Officials and the Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Documents before the Commission include the reports of the Secretary-General on the status of the Convention against Torture (document

E/CN.4/1991/15), as well as of the Special Rapporteur on Torture (document E/CN.4/1991/17). The main report of the Working Group on Enforced or Involuntary Disappearances (document E/CN.4/1991/20 and Add.1) will also be examined.

Another important question under this agenda item focuses on the detention, disappearance and death in detention of United Nations system staff members. Both the Commission and the Sub-Commission dealt with this question last year. In its resolution 1990/31, the Commission requested the Secretary-General to continue his efforts to ensure that the human rights and privileges and immunities of United Nations staff members and their families were fully respected. It further requested him to submit an updated report (document E/CN.4/1991/18) on the situation of international civil servants and their families detained, imprisoned, missing or held in a country against their will, including those cases which had been successfully settled since the presentation of the last report.

Elimination of Racial Discrimination

During the session, the Commission will examine further the role it can play in a 10-year Programme of Action for the Second Decade to Combat Racism and Racial Discrimination, approved by the Assembly in 1984. The Commission has requested the Secretary-General to inform it annually of the progress made in carrying out the plan of activities for the period 1992-1993 so that it could contribute thereto. Pursuant to Commission resolution 1987/12, the Secretary General organized a seminar in Geneva last year on the factors contributing to racism. Documentation will include the annual report of the Secretary-General on implementation of the Programme of Action of the Second Decade (document E/CN.4/1991/43).

Apartheid

Concerning apartheid, the Commission will review measures relating to the implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid. As at 15 November 1990, there were 88 States parties to the Convention, which entered into force in 1976. Among other things, the Commission will consider the report of its Group of Three to examine the extent of the responsibility of transnational corporations for the continued existence of apartheid in South Africa, including legal actions that might be taken under the Convention against transnational corporations whose operations in South Africa came under the crime of apartheid.

Other agenda items in this area relate to violations of human rights in southern Africa and to the adverse effects of foreign economic and military assistance on the human rights situation there. The Ad hoc Working Group of Experts on Southern Africa, established by the Commission in 1967, will submit a final report on policies and practices which violate human rights in South Africa (document E/CN.4/1991/10). (At its forty-sixth session, the Commission decided, by resolution 1990/60, to terminate the mandate of the Working Group

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on the questions relating to Namibia.) Also before the Commission will be the updated report of the Special Rapporteur listing banks, transnational corporations and other organizations assisting South Africa.

Promotion of Human Rights and Fundamental Freedoms

With regard to the realization of economic, social and cultural rights, the Commission will focus on problems related to the right to enjoy an adequate standard of living and the effects of foreign debt and economic adjustment policies on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development. Popular participation as a factor in development and in the full realization of human rights will also be considered by the Commission with the aid of a study prepared by the Secretary-General (document E/CN.4/1991/11).

Concerning the right to development, the Commission will consider a report by the Secretary-General on the global consultation on the right to development, held in Geneva last year in accordance with Commission resolution 1989/45.

During its session, the Commission decided on a number of measures relating to the development of public information activities in human rights, including the World Public Information Campaign for Human Rights launched by the Assembly at its forty-third session. Before the Commission will be the report of the Secretary-General on implementation of those measures (document E/CN.4/1991/21).

Human Rights and Scientific and Technological Developments

Under the agenda item entitled "Human rights and scientific and technological developments", the Commission will consider the draft body of guidelines for the protection of mentally-ill persons, prepared by the Working Group (document E/CN.4/1991/39.) It will also consider the question of human rights and the environment.

Standard-setting

The Commission will review work on standard-setting, including the development of declarations, conventions and other legal instruments to protect human rights. Questions to be taken up at the session include the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families adopted on 18 December 1990 by the General Assembly's forty-fifth session (resolution 45/158); the role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service; the status of the international instruments, including the recently ratified Convention on the Rights of the Child; the rights of persons belonging to national, ethnic, religious and linguistic minorities; and elimination of all forms of intolerance and of discrimination based on religion or belief.

The Commission will also continue the work started at its forty-fifth session of drafting a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms.

Advisory Services

The Commission will examine United Nations assistance in the field of human rights to countries seeking it. This assistance is provided under the Organization's advisory services programme. Documents before the session relate to progress made in the implementation of that programme, the operation of the Voluntary Fund for Advisory Services and Technical Assistance, as well as a report describing contacts in this sector with the Government of Equatorial Guinea. The question of assistance to Paraguay in the field of human rights will also be considered.

Pre-Sessional Working Groups

The forty-seventh session of the Commission is expected to be preceded by meetings of four groups in connection with the following items:

-- Item 12 (b): Working Group on Situations, composed of five members of the Commission, to examine situations referred to the Commission by the Sub-Commission, is scheduled to meet from 21 to 25 January;

-- Item 14: an open-ended working group established to examine, revise and simplify the draft body of principles and guarantees for the protection of mentally-ill persons and for the improvement of mental health, and which met from 29 October to 9 November 1990;

-- Item 15: the group of three members of the Commission appointed under article IX of the International Convention on Suppression and Punishment of the Crime of Apartheid to consider reports submitted by States parties in accordance with article VII of that Convention, is scheduled to meet from 21 to 25 January; and

-- Item 23: an open-ended working group established to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, scheduled to meet from 16 to 25 January.

Membership, Officers

The members of the Commission are: Argentina, Australia, Austria, Bangladesh, Belgium, Ethiopia, Brazil, Burundi, Canada, China, Colombia, Cuba, Cyprus, Czechoslovakia, France, Gambia, Germany, Ghana, Hungary, Indonesia, India, Italy, Japan, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Portugal, Iraq, Madagascar, Mauritania, Senegal, Somalia, Swaziland, Sweden, Ukraine, USSR, United States, Venezuela, Yugoslavia and Zambia. (The Economic and Social Council, at its first regular session of 1990, decided to increase the membership of the Commission by 10, the

additional seats to be distributed among the African, Asian and Latin American regional groups.)

The Chairman for the forty-sixth session was V. Purification Quisumbing (Philippines).

The Chairman for this year's session is expected to be from the Group of Latin American and Caribbean States.

Provisional Agenda

The Commission's first order of business will be to elect a new Chairman and bureau, adopt its provisional agenda (document E/CN.4/1991/1) and organize the work of the session.

The substantive items on the Commission's provisional agenda comprise the following:

-- Question of the violation of human rights in the occupied Arab territories, including Palestine;

-- Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts;

-- The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist regime in southern Africa;

-- Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including:

-- (a) Problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development;

-- (b) Popular participation in its various forms as an important factor in development and in the full realization of all human rights;

-- Question of the realization of the right to development;

-- The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation;

-- Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:

(a) Torture and other cruel, inhuman or degrading treatment or punishment;

(b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(c) Question of enforced or involuntary disappearances;

-- Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission;

(a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms;

(b) National institutions for the promotion and protection of human rights;

(c) Co-ordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights;

-- Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

(a) Question of human rights in Cyprus;

(b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations established by the Commission at its forty-seventh session;

-- Measures to improve the situation and ensure the human rights and dignity of all migrant workers;

-- Human rights and scientific and technological developments;

-- Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid;

-- Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination;

-- Status of the International Covenants on Human Rights;

-- Effective functioning of bodies established pursuant to United Nations human rights instruments;

-- Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forth-second session;

-- Rights of persons belonging to national, ethnic, religious and linguistic minorities;

-- Advisory services in the field of human rights;

-- Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief;

-- Drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms;

-- Status of the Convention on the Rights of the Child; and

-- The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service.

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28 January 1991

HUMAN RIGHTS COMMISSION OPENS FORTY-SEVENTH SESSION,
HEARS COMMENTS ON GULF SITUATION

GENEVA, 28 January (UN Information Service) -- The forty-seventh session of the Commission on Human Rights got under way this morning and heard the Commission's outgoing Chairman, Purificacion Quisumbing (Philippines), speak of a "sense of desperation" among Commission members due to the situation in the Gulf.

The Under-Secretary-General for Human Rights, Jan Martenson, and the new Chairman, Enrique Bernales Ballesteros (Peru) also addressed the Commission.

The Commission unanimously elected Goetz-Alexander Martinus (Germany), Koji Amoo-Gottfried (Ghana) and Vladimir A. Vassilenko (Ukraine) as Vice-Chairmen, and Masahino Taucri (Japan), as Rapporteur.

The Commission then adopted by consensus the agenda for the forty-seventh session. (For background see Press Release HR/CN/194 of 23 January.)

Following adoption of the agenda, the representative of Iraq said he hoped the Commission would not apply a double standard in dealing with the question of the situation in the Gulf. So far no mention had been made of an Iraqi appeal to halt the aggression against his country, which was in flagrant violation of the Charter.

The representative of Kuwait recalled that General Assembly resolution 45/170 requested that the Commission consider the human rights situation in occupied Kuwait and proposed that that be done under item 12 of the agenda, which provides for examination of the question of the violation of human rights and fundamental freedoms in any part of the world.

The CHAIRMAN said that the proposal would be studied by the Bureau.

Statement by Outgoing Chairman

PURIFICACION QUISUMBING, the outgoing Chairman, said the forty-seventh session of the Commission was taking place in a mood quite different from last year's session, which had been one of great optimism. She cited the fall of

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the Berlin Wall, the changes experienced in Eastern Europe, Africa, Asia and Latin America and the release of Nelson Mandela as proof that issues of human rights were acquiring a new primacy in the world. Today, however, the smell of gunpowder and a sense of desperation was causing that optimism to recede quickly. That gave even greater importance to the Commission's work.

Ms. Quisumbing said positive developments of the past year included the adoption by the General Assembly of the Convention on the Protection of the Rights of All Migrant Workers and their Families -- "an outstanding achievement". Progress had also been reported in the work of standard setting by the Working Group on the Draft Body of Principles and Guarantees for the Protection of Mentally-ill Persons and the Improvement of Mental and Health Care.

She referred to the appointment of a Special Rapporteur and Independent Expert to deal with problems of the sale of children, child pornography and child prostitution. And she reported on the extensive activities of the Centre for Human Rights and on a "strengthening of the substantial and meaningful dialogue", between the Commission and Sub-Commission on Prevention of Discrimination and Protection of Minorities.

Referring to what she called her "hidden agenda" of promoting equality, Ms. Quisumbing told the Commission not to wait 20 years before electing another woman as Chairman. The Commission should also consider meeting in other parts of the world, as "gone are the days when Vienna, Geneva, New York and Paris were the only places where human rights issues could be heard".

In concluding, she called upon the Commission "to address the problem of protecting the human rights of all citizens seriously affected by the ongoing armed conflict in the Gulf region".

Statement by Under-Secretary-General for Human Rights

JAN MARTENSON, Under-Secretary-General for Human Rights, said the armed conflict following the Iraqi occupation of Kuwait, which had led to loss of life, widespread violations of human rights and devastating effects on the environment, was occurring despite strenuous international efforts to preserve peace and ensure respect for the Charter.

He said further that the movement towards the establishment of fully democratic systems was encountering serious difficulties in several places, where force was replacing reason and dialogue. Thus, doubt was voiced by many about the prospects for the world Organization's objectives of furthering peace and increasing respect for human rights. However, the strength of the demands of people all over the world for truly democratic systems was such that fundamental human rights could not be permanently denied.

The conflicts in the world today reinforced the understanding that violations of human rights provided fertile soil for the seeds of war and that the effective defence of human rights was an essential element to the preservation of peace, he said. Assessing the present human rights situation,

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he affirmed that a true international code of human rights had been put into place over the last 45 years, beginning with the Universal Declaration of Human Rights, the International Covenants and numerous other treaties and declarations.

However, he continued, this session of the Commission on Human Rights was taking place as widespread violations of human rights, racial discrimination and intolerance were still occurring. The closing of the gap between international human rights norms and the actual conditions of life of far too many human beings was the principal challenge of the international community and in particular of the Commission on Human Rights. The agenda of the Commission was ideally suited to that task as it reflected in detail the broad range of human rights activities of the United Nations exemplified by the work of the Centre for Human Rights and the General Assembly's decision to convene a World Conference on Human Rights in 1993.

Mr. Martenson concluded by saying that the Commission had the heavy responsibility of responding to the needs of the untold millions of people who looked to the United Nations for understanding and assistance in their efforts to attain full enjoyment of their human rights and fundamental freedoms. The challenge was great, but the Commission was building on a sound basis of achievement and with the goodwill of all to move forward.

Statement by New Chairman

ENRIQUE BERNALES BALLESTEROS (Peru), the newly elected Chairman, noted that the Commission was meeting in the shadow of the war in the Gulf. Philosophically, he said, the preservation of human life was paramount, and from the human rights standpoint, war could never be justified. Not since the Second World War had the world faced such danger as it did now. The cold war had been brought to an end not by force, but by the victory of peace and justice over war. All hoped that peace would be restored in the Gulf as soon as possible and that human rights and justice would prevail. Human rights issues should be depoliticized through the division of human rights issues into three groups: individual rights, social rights and peoples rights. Special attention must be given to the violation of human rights around the world despite the international attention now focused on the situation in the Persian Gulf. Humanitarian logic must take precedence over political logic. In conclusion, he recalled Benjamin Franklin saying that "there was never a good war nor a bad peace".

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United Nations

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HR/CN/196
29 January 1991

HUMAN RIGHTS COMMISSION TAKES UP QUESTION OF VIOLATIONS IN OCCUPIED ARAB TERRITORIES

GENEVA, 29 January (UN Information Service) -- The Human Rights Commission today began consideration of the question of the violation of human rights in the occupied Arab territories, including Palestine.

Introducing agenda item 4 was the Deputy Director of the Centre for Human Rights, Kwando Nyamekye.

The Commission decided upon the recommendation of its bureau, which yesterday considered a request from Kuwait to modify its agenda to add a sub-item to agenda item 12, on the question of the violation of human rights and fundamental freedoms in any part of the world.

The new sub-item, 12 (b), will be entitled "Human rights situation in occupied Kuwait". The General Assembly, in resolution 45/170, had requested the Commission to consider the human rights situation in occupied Kuwait.

The delegations of Iraq, Palestine, Kuwait, the Sudan and Morocco made statements, as did the International Commission of Jurists and Amnesty International, two non-governmental organizations.

Human Rights Violation in Occupied Arab Territories

Since 1968, different United Nations bodies have been closely involved with the question of the violation of human rights in the occupied Arab territories, including Palestine. At its forty-sixth session, the Commission adopted several resolutions on the situation in occupied Palestine, one of which called on Israel to comply with its obligations under the United Nations Charter and to withdraw from the Palestinian and other Arab territories it has occupied since 1967.

The Commission requested the Secretary-General to transmit the resolution to the Government of Israel with a view to its implementation and to report to it on his progress (document E/CN.4/1991/6). In resolutions 45/74 A to G, the Assembly renewed the mandate of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs

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of the Occupied Territories, and condemned Israeli policies and practices against Palestinian students and faculty in educational institutions.

The Commission, in addition, strongly condemned Israel for its refusal to comply with United Nations resolutions, the Security Council having declared that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Arab Golan to be null and void and demanded that Israel should rescind its decision. Member States were called upon not to recognize any legislative or administrative measures and actions pertaining to the above.

Introduction of Item

Introducing item 4, KWANDO NYAMEKYE, Deputy Director of the Centre for Human Rights, said the question of the violation of human rights in the Arab territories occupied by Israel had been on the agenda of several United Nations organs since 1968, when the Special Committee on Israeli Practices was established by the General Assembly. United Nations organs had repeatedly condemned the human rights violations affecting the civilian population in the occupied territories, including violations of the Fourth Geneva Convention.

Since the start of the Palestinian uprising more than three years ago, he said, a further and alarming deterioration of the human rights situation had been observed, and United Nations organs dealing with this problem had consistently stressed the need to initiate urgent measures aimed at halting the tragic spiral of violence and restoring respect for human rights.

Last year, he continued, the Assembly, the Commission, the Security Council and the Sub-Commission on Prevention of Discrimination and Protection of Minorities had all dealt with this question. The Assembly had, among other measures, renewed the mandate of the Special Committee. That body had met in Geneva earlier this month and took note of the most recent reports on the situation in the occupied territories. It decided to visit the area at the end of May or the beginning of June.

Statements

The representative of Iraq, commenting on Kuwait's request for a new sub-item, said the attempt would cause complications from both an objective and a procedural standpoint. From an objective standpoint, any attempt to deal with the question of human rights violations in Kuwait must include the attacks on Kuwait by the United States and the coalition forces. In terms of procedure, Kuwait should have submitted this request seven weeks before the commencement of the proceedings, in accordance with the rules of procedure. The proposal was an attempt to blacken the name of Iraq.

The observer for Palestine said the Israeli authorities had for the past 13 years been violating and disregarding international law. Security Council and General Assembly resolutions which condemned Israeli practices had been ignored by Israel with the support of the United States. The Israelis carried out a policy of indiscriminate use of firearms; attacks on schools, courts and medical centres; restrictions imposed on travel and expression; and the

exiling of Palestinians from the occupied territories. Israel had also refused to apply the Geneva Convention for over 20 years. As a result of Israeli attempts to suppress the intifadah, 1,400 Palestinians had been killed and thousands wounded. He was speaking, he said, as "thousands of tons of bombs were falling on children and women in the name of international law". The Palestinian people would keep fighting for their inalienable rights.

The representative of Kuwait said the suffering of the Palestinian people over the past three years showed that Israel had overstepped the boundaries of elementary human behaviour and international law. Israel's behaviour amounted to genocide. That was fundamentally incompatible with the Charter and the Geneva Conventions. The Commission should put a stop to that flagrant flouting of human rights.

The Iraqi invasion of Kuwait had diverted world attention from Israeli violations, he said. Instead of focusing on Israel's increased violence, the world had turned all its attention to the Gulf crisis brought about by Iraq's occupation of Kuwait. That in turn had encouraged the Israelis to increase the level of violence against the Palestinians. Palestinians had also suffered as a result of the Iraqi invasion, by losing the financial support provided by the Kuwaiti Government and people.

The representative of the Sudan observed that the Israeli authorities had not co-operated with the international community to put an end to the human rights violations in the occupied territories. The international community must continue to focus on those violations. Israel's policy was one of encouraging Jewish immigration while at the same time expelling Palestinians from their lands. The protection of the Palestinians must therefore be ensured, and the Israeli authorities must respect the resolutions and recommendations of the international community.

The representative of the International Commission of Jurists declared that the current 24-hour curfew imposed on the occupied territories was excessive and that the exclusion of Palestinians from adequate protection from chemical attacks was discriminatory. Only self-determination for the Palestinian people would put an end to the present crisis in the occupied territories. The issue of family reunification was at the heart of the question of residency rights for Palestinians. Requests for family reunification were denied as a matter of policy. The Israeli authorities had refused to acknowledge the de jure applicability of the Fourth Geneva Convention to the West Bank and Gaza Strip and had disregarded the resolutions of the Security Council. The excessive and illegal use of force by the Israeli military remained an issue of major concern, as was the continued demolition and sealing of homes since the beginning of the intifadah; that had caused the displacement of thousands of Palestinians.

The representative of Morocco said Israel's attitude towards the Commission's resolutions to respect the rights of Palestinians was clear evidence of Israel's intent to extinguish that people. The influx of Soviet Jews along with the Israeli occupation of Lebanon and the Golan were aimed at bringing crisis and instability to the region. It should be no surprise that

the Palestinian intifadah was continuing. He was particularly concerned about the children of the "revolution of stone" in light of the 1990 Convention on the Rights of the Child. The Palestinian people should come under the protection of the Security Council and the Geneva Conventions, as Israel was trying to destroy its spiritual and cultural heritage. Israel's actions, however, would only strengthen the Palestinians.

The representative of Amnesty International said that organization had for over three years been expressing its concerns about a pattern of serious and widespread human rights violations in the Israeli occupied territories. Those included large-scale use of detention without trial, systematic ill-treatment and the killings of civilians by Israeli forces. Some 14,000 Palestinians, including prisoners of conscience, had been held in administrative detention without charge or trial since December 1987. Over 4,000 were detained during 1990 for renewable periods of up to one year. Detainees were effectively unable to exercise the right to challenge their detention, as crucial information about the reasons for the detention was almost invariably withheld.

Palestinians had been tortured to obtain confessions or other information. At least 16 were reported to have died following apprehension after beatings since December 1987. Some 80 Palestinians were reported to have died after having been exposed to tear gas and 700 civilians, including many children and young people, had been shot dead by Israeli forces using live ammunition and special types of plastic and other bullets.

Amnesty International had called for an independent and impartial judicial inquiry into the killing of 17 Palestinians at the Temple Mount in Jerusalem. Despite the high incidence of apparently unjustifiable deaths since December 1987, Amnesty was aware of only two prosecutions leading to imprisonment. Amnesty International had concluded that the Israeli authorities were effectively condoning, if not encouraging, the perpetration of those human rights violations.

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United Nations

Press Release

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30 January 1991

HUMAN RIGHTS COMMISSION HEARS FOREIGN MINISTER OF COLOMBIA, CONTINUES DEBATE ON QUESTION OF VIOLATIONS IN OCCUPIED ARAB TERRITORIES

GENEVA, 30 January (UN Information Service) -- Fernando Jaramillo, Minister of Foreign Affairs of Colombia, addressed the Commission on Human Rights this morning, stating that the failure to find a negotiated solution to the Gulf crisis demonstrated that the international community was not yet ready to replace war with peace.

Also this morning, the Commission continued discussion of the question of the violation of human rights in the occupied Arab territories, including Palestine, hearing the views of the representatives of Egypt, Bangladesh, Turkey, China, Syria and Yugoslavia. The Arab Organization for Human Rights and the World Federation of Trade Unions also made statements.

Statement by Foreign Minister of Colombia

In his statement, Foreign Minister LUIS FERNANDO JARAMILLO of Colombia expressed regret that the Gulf war had begun despite all the diplomatic efforts for peace made by many countries, including his own. That demonstrated, he said, that the international community was not yet ready to replace war with peace. He added that the war would inevitably increase the gap between rich and poor at a time when the greatest task facing mankind today was the erradication of poverty. And there were other risks such as the degradation of the ecosystem, the problems of mass migrations and refugees, the lack of shelter and food, and the trafficking in illegal drugs.

On top of all those problems facing the third world, he continued, there was a massive brain-drain from South to North, along with an insufficient transfer of technology from North to South. Furthermore, the terms of trade had deteriorated to the detriment of the third world, and commodity prices were the lowest they had been for a long time. That situation was cause for despair in the countries that had experienced the decline in the terms of trade. In Colombia, there was a continuing effort to develop democratic institutions and to permit pluralism to thrive. There was also an urgent need to eliminate dogmatism, which was a substantial drawback to democracy and democratic frameworks.

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Statements on Occupied Territories

Among speakers on the question of human rights violations in the occupied Arab territories, the representative of Egypt said the fate of the Palestinians in the territories remained the main problem in the region. The international community must not apply double standards in dealing with that issue. There was a need to respect interrational law and to apply it in all its forms. Reports from United Nations bodies showed an important deterioration of the situation in the occupied territories, which in fact resembled a huge concentration camp. The international community would have to devise a method to arrest any further violations in the territories.

He went on to say that the continued influx of Soviet Jews into Israel had the potential to cause a great catastrophe in the region. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs in the Occupied Territories should adopt a new resolution calling for an end to that influx. Pressure from the international community must be brought to bear on Israel so that it might accept de jure applicability of the Fourth Geneva Convention.

The representative of Bangladesh said that, during the period under illegal Israeli occupation, there had been gross violations and abuses of human rights and fundamental freedoms of the Palestinian people. The Israeli authorities had tried to suppress a most spontaneous popular uprising of the Palestinian people, who were struggling to recover their just and inalienable rights. Israel must withdraw from all the occupied territories. Notwithstanding Israel's unco-operative attitude, there was still reason for hope.

The representative of Turkey said that by virtue of its geographical location and history, his country had a very strong interest in a solution of the Arab-Israeli conflict. The Palestine question was at the core of the conflict and directly affected that state of affairs in the whole world. He called for Israeli withdrawal from the occupied territories and recognition of the right of the Palestinian people to their own state. Israel's intransigence, the suspension of the dialogue between the United States and the Palestine Liberation Organization (PLO), and Israel's iron fist policy towards Palestinians were some of the negative developments of the past year, he said. He called on Israel to heed Security Council resolutions and also called for more support for the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) which worked to alleviate the plight of Palestinian refugees.

The representative of China said the "appalling" Temple Mount incident, the settling of Jewish immigrants in the occupied territories, the deportation of Palestinian civilians from the occupied territories and the fatal use of force by Israel reflected "gross and consistent violations" of the Palestinian people's human rights. The PLO and Arab countries had taken a realistic stand and initiatives designed to solve the Middle East problem and restore the rights of the Palestinian people. Until the Palestinian issue was resolved, there would be no real and enduring peace in the region. He supported the

convocation of an international Middle East conference under the auspices of the United Nations and with the participation of the five permanent members of the Security Council.

The representative of Syria said the Commission was meeting against a backdrop of escalated activity by Israel against the Palestinian population. The international community must act immediately to put an end to the violent Israeli occupation. The Palestinian intifadah had shown that it could resist Israel's attempts to crush it.

He said Israel was responsible for killing innocent unarmed people, wounding children, gassing women and children and settling Jewish immigrants in the occupied Arab territories. Israel continued to annex the Golan and to engage in grave violations of human rights against the Syrians there. The people of the Syrian Arab Golan were forbidden to come to Syria, and Hebrew and the Israeli school curricula were imposed upon them. Israel's raid on southern Lebanon yesterday was further proof of its intention to flout international law and perpetuate policies of barbarous aggression.

The representative of Yugoslavia said that despite all the efforts of the international community to achieve a solution to the problem of the Palestinians in the occupied territories, nothing had changed. Human rights abuses still occurred and there was no indication of an early solution. Not only was the occupation illegal, but it was a major contributor to the problems of the region. The solution to the Palestinian question and related issues in the region could be found through the convening of an international conference under the auspices of the United Nations. That was also the position of the other members of the Non-Aligned Movement.

The representative of the Arab Organization for Human Rights spoke of the denial of the right of return as a human rights violation. He said the war of 1948 had caused the greatest refugee problem of this century. The UNRWA had reported that that war had created 96,000 refugees; in 1967, as a consequence of occupation, 400,000 more were forced to leave their land. Those who attempted to return after were threatened with death.

The Israelis had also refused to allow the return of people who had been away for holidays, he said. Only 6.3 per cent of the population who was outside were allowed to return home after the war, leading to the separation of many families. Denying the Palestinians the right to return home was a flagrant deviation from the International Covenant of Civil and Political Rights and other international human rights instruments.

The representative of the World Federation of Trade Unions said the human rights situation in the Gaza Strip and the West Bank had continued to deteriorate. There had been violations of basic human rights, such as the right to live where one wanted, the right to an education and the right to humane treatment. There was every indication of a discriminatory system of justice for the Palestinian people. Many Jews condemned for the killing of Palestinians were released before the termination of their sentences. Large numbers of Palestinians were under administrative detention. The Israeli Prime Minister's assertion that the Gaza Strip and the West Bank were part of Israeli territory was alarming.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/198
31 January 1991

COMMISSION ON HUMAN RIGHTS BEGINS DISCUSSION ON RIGHT OF PEOPLES TO SELF-DETERMINATION

GENEVA, 30 January (UN Information Service) -- The Commission on Human Rights this afternoon took up the question of the right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation. It also continued discussion of the question of the violation of human rights in the occupied Arab territories, including Palestine.

The representatives for Cyprus and Mauritania, and of the Pan Africanist Congress of Azania (PAC), the International Federation for Human Rights, Pax Christi International, the World Union for Progressive Judaism and the Association of American Jurists, participated in the discussion.

The item on the right of peoples to self-determination (item 9) was introduced by the Under-Secretary-General for Human Rights, Jan Martenson.

The Special Rapporteur, and current Chairman of the Commission, introduced his report on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination.

Right of Peoples to Self-Determination

The Commission has considered the item on the right of peoples to self-determination since 1975. Last year, by resolution 1990/4, it reaffirmed that the question of Western Sahara was a question of decolonization which remained to be completed on the basis of the exercise by the people of Western Sahara of their inalienable right to self-determination. It also reaffirmed the right of the Afghan people, through resolution 1990/5, to self-determination, to determine their own form of government and to choose their economic, political and social system free from outside intervention.

Regarding the Palestinian people (resolution 1990/6), the Commission reaffirmed their inalienable right to self-determination without external interference and the establishment of their independent state on their national soil.

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For information media--not an official record

In its resolution 1990/8, on the situation in southern Africa, the Commission reaffirmed the legitimacy of the struggle of the oppressed people of South Africa and their national liberation movements, by all available means, for the elimination of the apartheid system and the exercise of the right to self-determination by the people of South Africa. The Commission also reiterated its condemnation of the persistent occurrence of gross and flagrant violations of rights in Cambodia (resolution 1990/9). By resolution 1990/10, on Panama, it reaffirmed the sovereign and inalienable right of Panama to determine freely its social, economic and political system.

The Commission also adopted resolution 1990/7, entitled "Use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination", in which it extended the mandate of the Special Rapporteur for two years and requested him to submit a report to the Commission at its present session.

Also, in decision 1990/256, the Economic and Social Council called on all parties to the Cambodian question to engage in a negotiated settlement of the conflict. The Council affirmed that a complete withdrawal of foreign forces must be verified by the United Nations within the framework of a comprehensive political settlement.

Report on Use of Mercenaries

ENRIQUE BERNALES BALLESTEROS introduced his report on the question of the use of mercenaries (document E/CN.4/1991/14), by saying that the past year had been one of particularly intense work. The report detailed his activities in fulfilling the mandate contained in resolution 1987/16 and renewed by resolution 1990/7. Those activities included correspondence in connection with the mercenary invasion of Maldives and the Comoros, and reports on the mercenary situation in southern Africa and Central America. The report also dealt with the issues of drug trafficking and mercenaries in Colombia and with the activities of irregular armed groups and drug traffickers adversely affecting the enjoyment of human rights.

The report concluded that while there was conclusive evidence of a trend towards the winding down of armed conflict in southern Africa and Central America, it must not be inferred that the process had been completed throughout those regions.

Statements

VANIAS MARKIDES (Cyprus) said it was regrettable to note once again that the human rights situation in the occupied Arab territories, including Palestine, had deteriorated. Severe repressive measures were still in place and caused serious concern, not only because they constituted gross human rights violations but, also, because they placed in grave danger the future relations between the peoples of the region. The continued colonization of the occupied territories and the transfer of thousands of settlers, coupled with deportations, expulsions and displacement, were all inconsistent with international law.

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He reiterated Cyprus support for General Assembly resolution 44/42, which called for the convening of an international peace conference on the Middle East under United Nations auspices, with the participation of all the parties to the conflict. The people of the Middle East had been suffering for decades, he said. Human rights had been systematically violated for too long.

OULD MOHAMED LEMINE (Mauritania) said the Commission's resolution on the Palestinian question had been ignored by the Israeli authorities. The report of the Security Council had shown that the situation of Palestinians and other Arabs in the occupied territory was getting worse. Since the beginning of the intifadah 1,000 Palestinians had died and thousands had been wounded. All public liberties were suppressed and economic, social and cultural rights were violated. Respect for the human rights of the Palestinians was the prerequisite to the restoration of peace and security in the Middle East.

MOTSOKO PHEKO, of the Pan Africanist Congress of Azania (PAC), said Africans in Azania never had the right to self-determination. They had lost that right through British colonialism. Most people discussed South Africa only in terms of apartheid, yet apartheid was the manifestation of a colonial situation which was swept under the carpet. International law had been manipulated and history mutilated to deceive the whole world that there has been self-determination in that country.

The PAC was not involved in the so-called black-on-black violence, he said, adding that the racist colonialist regime of South Africa had designs to kill the national struggle for self-determination by promoting senseless violence within the ranks of the African majority. The PAC leadership had written to Nelson Mandela and Chief Mangosuthu Buthelezi offering to mediate so that peace could be restored among Africans. The people of Azania had their fundamental right to choose their own leaders and political organizations irrespective of how some members of the international community felt about them.

ROGER DIWAN, of the International Federation of Human Rights, said about 25 million Kurds had been dispersed over four countries, and he appealed to the Commission to recognize the rights of that people to self-determination. The United Nations should at least pronounce itself on the self-determination of the 5 million Iraqi Kurds whose territory was annexed to Iraq by Britain during its mandate over the area. The Kurdish people in Iraq were subjected to constant violations of their political, economic, social and cultural rights. He also expressed concern about escalating tensions in the Soviet republics of Azerbaijan and Armenia.

MICHAEL VAN WALT, of Pax Christi International, said the tragic events in the Gulf region, including their human rights dimensions, deserved the attention of the international community. At the same time, the war should not prevent discussion and action on situations elsewhere where human rights, particularly the right to self-determination, were being denied entire countries and peoples. Now was the time for a renewed commitment to the application of the principle and right to self-determination of peoples. The violation to the right of self-determination in Tibet, East Timor, Kurdistan,

the Baltic states, Cyprus and Palestine were cases which call for action by the international community and the United Nations.

DAVID LITTMAN, of the World Union for Progressive Judaism, said that last year the Commission adopted resolution 1990/1, in which it expressed serious concerns at suggestions that immigrants to Israel might be settled in the occupied territories. It called on the Government of Israel to refrain from settling Soviet Jewish immigrants in those areas legally administered since 1967. Today, in Israel, Jerusalem aside, there were 700,000 Muslim, Christian and Druse Palestinian Arabs who were Israeli citizens. Hardly 10 per cent of that number of Jews -- about 70,000 -- lived in "the territories", forming less than 5 per cent of the population of those areas.

The tragic plight of the Palestinian people was, in the main, to be laid at its own doorstep, he said. Once again the Palestinians would suffer because of their inept leaders, and if the intifadah was not halted soon, Palestinian society would start the irreversible process of disintegration from within.

ALEJANDRO TEITELBAUM, of the Association of American Jurists, said that on 20 December 1989 when the United States invaded Panama, there were 2,000 civilian victims. The invasion had also resulted in the disappearance of people. It was later discovered that several hundred persons had been buried in common graves. Most of those killed had not yet been identified. The invasion of Panama was a gross violation of the right of the Panamanian people to self-determination. He called on the United States to compensate the victims of the invasion.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/199
31 January 1991

PRESIDENT OF COUNCIL OF EUROPEAN COMMUNITIES ADDRESSES HUMAN RIGHTS COMMISSION

GENEVA, 31 January (UN Information Service) -- Jacques Poos, Deputy Prime Minister and Minister of Foreign Affairs of Luxembourg and current President of the Council of the European Communities, in an address to the Human Rights Commission, reiterated the European Community's condemnation of Iraq's invasion of Kuwait and of recent acts of repression in the Baltics.

Also today, the Commission continued to consider the questions of violation of human rights in the occupied Arab territories, including Palestine, and the right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation.

Participating in today's debate were the representatives of Pakistan, India, Libya, Tunisia, Jordan, Saudi Arabia, the United Arab Emirates and the International League for the Rights and Liberation of Peoples.

Address by President of Council of European Communities

JACQUES F. POOS, Deputy Prime Minister of Luxembourg, speaking for the Council of the European Communities, said the Twelve's condemned Iraq's invasion of Kuwait, the violations perpetrated by the Iraqi authorities against their own people and against the people of occupied Kuwait, and of the taking of hostages. The rules laid down by the Geneva Conventions for prisoners of demanded categorically that Iraq comply fully with all the principles of humanitarian law.

Referring to the Baltics, he called attention to the tragic events of the night of 12 to 13 January 1991 in the city of Vilnius and of the night of 20 to 21 January in Riga and said the Community and its member States had condemned those acts of repression, which were in flagrant violation of the Charter of Paris, formally adopted on 21 November 1990 at the Conference on Security and Co-operation in Europe (CSCE) Summit. He hoped that the new international relations which emerged from the changes in Eastern Europe signified the end of the discussion of human rights in an ideological context, and that the new debate on human rights would not fall victim to the debate between the industrialized countries and the rest of the world.

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For information media—not an official record

Regarding the European Community's policy in providing development aid, Mr. Poos quoted the declaration concerning human rights made by the Twelve on 21 January 1986: "The promotion of economic, social and cultural rights as well as of civil and political rights was of paramount importance for the full realization of human dignity and for the attainment of legitimate aspirations of every individual. Neither lack of social and economic development, nor any persuasion or ideology may serve as a justification for the denial of civil and political rights."

Current events, he continued, were a sad reminder that in the end, any continuous and systematic violation of fundamental rights inevitably led to conflicts which rapidly spread beyond the limited context in which they arose. It was therefore essential for the international community to seek to guarantee international peace through its activities in support of respect for human rights.

Statements in Debate

Among speakers on the question of human rights violations in the occupied territories, SYED MOHAMMED ZAFAR (Pakistan) said his country was deeply disturbed by the events unfolding in the Middle East, where the Palestinians had been suffering a most repressive and brutal occupation for the last 24 years. The positive political initiatives taken by the Palestine Liberation Organization (PLO) for a solution to the occupation had been persistently and contemptuously turned down by Israel. It was high time that action be initiated by the United Nations to put a stop to the Israeli occupation of terror.

As stated in a report by the International Commission of Jurists, he continued, Palestinians in the occupied territories had not been given gas masks in adequate numbers. Called upon the world community to immediately convene an international peace conference on the Middle East to be attended by all the parties to the conflict, including PLO, on an equal footing along with the five permanent members of the Security Council.

I.S. CHADHA (India) said the question of Palestine was older than the United Nations itself. The inherent complexities of the situation, arising from its historical evolution and mutual distrust compounded by recurrent hostilities, were understandable. But they provided no alibi for the persistent failure of the international community to find a just, comprehensive and lasting settlement. The need for a solution had become even more imperative in the face of the increasing gravity of the situation.

The question of Palestine remained at the core of Middle East problems, he said. Israel was the occupying Power and occupation itself constituted a violation of the human rights of the civilian population of the occupied territories. Occupation had led to the imposition of Israeli laws, jurisdiction and administration in occupied Arab territories; establishment of new settlements and expansion of existing ones; evacuation, expulsion, displacement and deportation of the indigenous Arab inhabitants and denial of their right to return; confiscation and expropriation of Arab property;

destruction of Arab dwellings; and the physical transformation of historical sites.

IBRAHIM OMAR (Libya) said the cause of the human rights violations suffered by Arab populations in occupied territories was the racist nature of the Zionist State. Zionism's claim that all Jews, wherever they be found, were part of one people was erroneous. For that erroneous claim to be realized two things had to take place: Jews had to be transferred from all parts of the globe; and non-Jews had to be displaced from the Arab homeland. By the end of 1990, 200,000 Soviet Jews would have arrived in occupied Palestine. Their settlement, with United States help, took place in greatest numbers around the Arab city of Jerusalem. Today the world witnessed the collective expulsion and deportation of Arabs. The original Palestinian Arabs had no rights any more merely because they were not Jews.

SOUAD LYAGOUBI-OUAHCH (Tunisia) said the repression of the Palestinian people continued. Various fact-finding missions told of unacceptable conditions in the occupied territories. The United Nations had for the past 23 years adopted resolutions confirming the rights of the Palestinian people, but they had had no effect on the Israeli authorities. The intifadah was a legitimate response to the repression. Israel had continued to violate the provisions of the Fourth Geneva Convention by imposing emergency laws and arbitrary measures. International efforts were needed to secure a lasting solution to the Palestinian problem.

FAWAZ SHANA (Jordan) said that for 40 years the United Nations had given the world instruments of great hope, and yet, where did Palestinian rights fit in? Administrative detention, ceaseless violence, jailing, killing, expulsions, intimidation and humiliation which were daily acts perpetrated by the Israeli occupier. The Commission had succeeded in drawing the world's attention to this crucial problem for many years. Yet Israel was still continuing its aggressive stance towards Palestinians and its disregard for the international community's unambiguous criticism of its actions. He called for Israel's adherence to United Nations resolutions. The Commission, he said, was a beacon to the weak, the oppressed, the occupied.

He went on to say that the Palestinians saw the Commission as a protector to defend them against injustice and maintain their dignity. If human rights were a measure of the progress of mankind's civilization, then the Palestinian people had a right to define its own future. Therefore, an international conference of all parties concerned aimed at ending the injustice should be convened.

JASSIM ABU-OSHBA (Saudi Arabia) said the Palestinian people and were subjected to all kinds of pressures, both psychological and physical. They were subjected to deportation which involved some 1,365 Palestinians. The Israeli Government had rejected international attempts to investigate conditions in the occupied territories, and that contradicted Israeli claims to be a democratic country.

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What was important, he said, was not the number of resolutions which dealt with the problem, but the number of resolutions which were implemented. While the world's attention was focused on the Gulf crisis, some 200,000 Soviet Jews had immigrated to Israel and the occupied territories. The question was "where would these new immigrants go?" It was obvious that the immigration was to the detriment of the Palestinians. He urged the international community to apply more pressure on Israel in order to obtain a satisfactory solution to the Palestinian problem.

ABDUL RADA ABDULLA (United Arab Emirates) said Israeli actions flagrantly violated the basic human rights of the Palestinian people. Israel had demonstrated obstinacy in its policies of annexation and "iron-fist". The report of Amnesty International said that 4,000 Palestinians were being held in jail without trial and 13,000 had been detained. There had been an escalation of violence in the occupied territories since the Iraqi invasion of Kuwait due to the fact that "everyone in the world was looking to the Gulf". He spoke of incidents in the Bureij camp in Gaza in September and of the Al Aqsa Mosque in October and said the continuing intifadah showed Palestinian determination to liberate its territory. Israel's illegal acts in south Lebanon and in the Golan constituted a further flouting of international human rights instrument.

ORETTA BANDETTINI DI POGGIO, of the International League for the Rights and the Liberation of Peoples, stated that Palestinians were also victims of the Gulf war and of the increasingly strict measures imposed by Israeli authorities to quell popular unrest. Since the beginning of the conflict, Palestinian civilians in the occupied territories had been under a strict 24-hour curfew which was lifted only for short periods to permit people to purchase food and other essential items. Israeli authorities had enforced exceptionally strict measures against those who did not comply with the curfew regulations. As a consequence, shortages of foodstuff were being reported. The problems of the Middle East could only be settled by dialogue and negotiation. The League, therefore, fully supported the proposal for an international conference to be convened under the sponsorship of the United Nations.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/200
1 February 1991

HUMAN RIGHTS COMMISSION CONTINUES DEBATE ON QUESTION OF VIOLATIONS IN OCCUPIED ARAB TERRITORIES

GENEVA, 1 February (UN Information Service) -- The Commission on Human Rights this morning continued its debate on the question of human rights in the occupied Arab territories, including Palestine, and the right of peoples to self-determination.

The representatives of China, Zambia, Pakistan, Sweden, United States, Czechoslovakia, Soviet Union, Cuba, Algeria, Nigeria, Luxembourg (on behalf of the members of the European Economic Community), Israel and the Parliamentary Association for Euro-Arab Co-operation participated in the discussion. Sri Lanka exercised its right of reply.

Statements

FAN GUOXIANG (China) said that with Namibia's independence, a "great victory of the historical mission of decolonization on the whole African continent had been achieved". In Southwest Asia there had been a major breakthrough on the Cambodian question. However, the illegal occupation of Palestinian territories and deprivation of the Palestinian people's right to self-determination continued. And Iraq had invaded and annexed a sovereign State, Kuwait. China had appealed to the Iraqi Government to implement the important resolutions adopted by the Security Council. State-to-State relations should be based on the five principles of peaceful coexistence, mutual respect for sovereignty and territorial integrity, mutual non-aggression, non-interference in each other's internal affairs, equality and mutual benefit.

ISAIAH CHABALA (Zambia) said his country, serving on the Commission for the first time, considered the persistent pattern of violations of human rights in the occupied Arab territories, including Palestine, to be "a major challenge to the Commission". Some of those violations, such as the massacre of the Al Aqsa Mosque and in Rafah and Khan Yunis last October, pointed to a clear contravention by Israel of the Geneva Convention as well as of various Security Council resolutions. Israel continued to defy the international community. It had gotten away with violations that, had they been committed by another third world country, would have incurred the wrath of the major

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Powers. It was a sad indictment that the Security Council had not been able to protect Palestinians because of the threat of veto by Israel's allies. All countries in the Middle East, including Israel, had the right to live in safe and secure boundaries.

S.M. ZAFAR (Pakistan) declared it was a great tragedy that the five million people of Jammu and Kashmir had been denied the right to self-determination. The Security Council had repeatedly affirmed that the final disposition of the state should be made in accordance with the will of the people as expressed through a free and impartial plebiscite under the auspices of the United Nations. The Kashmir dispute had its beginnings in the non-implementation of the partition principles under which Pakistan itself became an independent State. Instead, India had in 1948 launched a military offensive in order to impose a solution in Kashmir. Successive Indian Governments had reneged on the commitment to hold a plebiscite and had resorted to the argument that Kashmir was an internal Indian problem.

The Simla Agreement of 1972 between Pakistan and India acknowledged that a final settlement of the question of Jammu and Kashmir was outstanding, he continued. The Agreement clearly stated that the principles and purposes of the Charter should govern the relations between the two countries. The only solution to the deep-rooted problem lay in allowing the people of Jammu and Kashmir to exercise their right to self-determination.

JAN ROMARE (Sweden) said that one of the underlying causes of human rights violations was lack of democracy. Israeli democracy extended only partially to Israeli Arabs and not at all to the Palestinian population of the occupied territories. The number of reports of human rights violations continued to rise and the seriousness of the violations increased. Examples of that were administrative detentions, especially of "moderates", deportation, closure of universities and schools, and collective punishment aimed at quelling the intifadah. An international conference on the Middle East under the auspices of the United Nations with the participation of all parties, including the Palestine Liberation Organization (PLO), was necessary. Only through political means would the conditions for genuine respect for human rights in the region be created.

KENNETH BLACKWELL (United States) stressed the need to resume a process of direct negotiations to solve the Palestinian problem. Restraint was needed on all sides. The United States remained deeply committed to the welfare of the Palestinian people. For 45 years, the United States Government had been the largest contributor to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

Israel had a clear responsibility to maintain law and order within the occupied territories, he continued, in accordance with the Fourth Geneva Convention of 12 August 1949. The employment by Israeli security forces of excessive lethal force against the Palestinians, and deplored practices such as administrative detention of Palestinians, the demolition of homes and deportations were a cause of concern. Also worrying was the violence directed at Israeli civilians and security personnel, particularly the unprovoked,

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deadly attacks on Israeli civilians that increased in frequency towards the end of 1990. Iraq's unprovoked attacks with ballistic missiles on Israeli population centres, with resulting civilian casualties, were a demonstration of the threat Israel had faced since its foundation. Human rights were universal and the United States would not support a one-sided resolution on the issue.

ZDENEK PAGAC (Czechoslovakia) said the world was witnessing the deterioration of living conditions in the region, and human rights abuses and violence had become "an everyday routine". The great number of Palestinians killed and murdered, whether by Israeli troops or Palestinians, were of great concern to his Government. The number of children to be found among the casualties in the year of the adoption of the Convention on the Rights of the Child was particularly sad. There was a perpetuation of old stereotypes and prejudices. Czechoslovakia believed that any solution resulting from an international peace conference must guarantee the rights of States to exist within secure and internationally recognized borders. At the end of the Gulf war, all parties should proceed directly to the negotiating table.

YURI RESHETOV (Soviet Union) said that the situation in the occupied territories had become depressively grim, and the general climate had deteriorated. There was every sign that violations of human rights such as detention without trial and beatings, and violation of the economic rights of Arabs were taking place. The issue at hand was the refusal of Israel to allow the Palestinians to exercise their right to self-determination. The international community could never relax its pursuit of a political dialogue in the form of an international peace conference which would involve the permanent members of the Security Council and all parties concerned, including Palestine.

The Soviet Union opposed the settlement of Soviet Jews in the occupied territories while reaffirming the legal right of Soviet Jews to leave the country. Another issue of self-determination was the unacceptable invasion of Kuwait, which had denied that country's citizens the right to even call themselves Kuwaitis. Elsewhere, in South-West Africa, the independence of Namibia had led to a stabilization of the situation in the region.

While efforts were being made to open the way for the establishment of peace in Cambodia, he said, in Afghanistan the Geneva Accords provided a basis for a comprehensive settlement of a situation where brother was fighting brother. It was hoped that the pressure of public opinion might bring the use of mercenaries to an end.

He went on to say that perestroika was an irreversible process, but would take time, tact and a delicate approach to produce full results. The Soviet Union recognized the right of peoples to self-determination; the proposed New Union Treaty was intended to create a better balance between the centre and the republics and to foster greater understanding between the various peoples of the Soviet Union.

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RAUL ROA (Cuba) said the year 1990 had not brought a relaxation of the violence and human rights violations carried out by the Israeli occupying forces against the population of the occupied Arab territories, including Palestine. Those violations included torture, the destruction of houses and violence against children. The Zionists, backed by their Western allies, continued to ignore various human rights instruments. The pattern of violence perpetuated the occupation. Urgent measures were needed. The United States' unconditional support of Israel was "hypocritical". A just and lasting solution must be based on respect for Palestinian self-determination.

ABDELHAMI SEMICHI (Algeria) said that the situation of the Palestinian people had continued to deteriorate. From the beginning of the heroic intifadah, in December 1987, the expulsion of Palestinians had continued in flagrant violation of the Fourth Geneva Convention. The killings at the Al Aqsa Mosque, the third most holy Islamic place demonstrated the depth of the problem. In the Palestinian refugee camps of El Bursidj in the Gaza Strip, there was the destruction of homes and shops and arbitrary arrests, a situation mirrored in the refugee camps of Rafah, Khan, Younès, Jabalya and Beit-Hamam.

Furthermore, he said, the immigration of Soviet and other East European Jews into the occupied territories would displace the Palestinian people. More than 200,000 settlers had been installed in the territories since last year, and it was not inconceivable that some 750,000 to one million new ones might be installed. The grave situation justified the urgent convening of an international conference.

EMEKA AYO AZIKIWE (Nigeria) said that recent events in the Gulf and other parts of the world showed that risks to the international order were ever-present. Nigeria was deeply concerned at the deteriorating situation of the Palestinians in the occupied Arab territories, and it regretted the pattern of widespread abuse and human rights violations there. Israel must respect the consensus of the international community regarding the applicability of the Fourth Geneva Convention of 1949 to the inhabitants of the territories. As to the Gulf crisis, Nigeria had called for the unconditional withdrawal of the occupying forces from Kuwait.

JUHEN ALEX (Luxembourg) said that the situation in the Gulf should not deter the international community from looking closely at human rights violations in the occupied territories. The aggravated human rights situation was a direct consequence of the deterioration of the political climate after 20 years of occupation and three years of uprising. That made the need for a solution all the more urgent. The members of the European Economic Community (EEC) had asked Israel to cease the practices of collective punishment and destruction of houses. The Community deplored the practices of administrative detention, expulsion and deportation, the closure of universities and the economic discrimination from which the population suffered. Israel must conform with existing human rights instruments. The Community had also condemned violence against Israeli civilians while

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affirming the belief in Israel's right to secure and internationally recognized boundaries, as well as the inalienable rights of the Palestinian people to self-determination.

RAPHAEL WALDEN (Israel) said the Palestinians, like all other human beings, were entitled to have their human rights respected and implemented. However, it was a basic axiom of almost all the Arab world that the existence of Israel was, in itself, a denial of the rights of Arabs and of Palestinians. In 1967, the Arab forerunners of Saddam Hussein had precipitated the Six-Day War. Their slogan then was not "liberate the occupied territories". Nor was it "regain the Al Aqsa Mosque". Then there were no "occupied territories and Al Aqsa was in the hand of King Hussein of Jordan". The slogan was "liberate Palestine" or, in other words, eliminate the State of Israel.

Israel's position was clear and had been expressed time and again, he said. Israel wished to establish a genuine peace through negotiations, with the Arab States as well as with the Palestinian inhabitants of the territories. In the Camp David Accords, peace was achieved not through the much-touted international conference, but as a result of direct negotiations. To those calling for de jure applicability of the Fourth Geneva Convention, the point was that Israel applied that instrument. But the "security situation was such as to compel Israel to adopt measures which might seem unduly hasty" to those who did not live there.

JEAN-MARIE LAMBERT, of the Parliamentary Association for Euro-Arab Co-operation, said his organization had made several visits to the occupied territories, including Palestine. The Association was particularly interested in the closure of universities in occupied territories, a practice begun in 1988. That measure involved 15,000 students and affected the professional future of generations. The practice continued in spite of Israel's promise in 1990 to gradually reopen the institutions.

Since the onset of the Gulf crisis, he said, the Association had reported a serious increase in the routine maltreatment of the population of the occupied territories. For example: funds of Palestinians working abroad no longer reach their families; curfews were endless and soon would result in the 1.7 million strong population growing hungry. Curfews also meant that the crops could not be tended as farmers were confined to their homes. Recently, many embassy personnel and aid-workers had left the area, and the Palestinian population had few witnesses to the heightened level of violence.

Right of Reply

Speaking in right of reply, WARNASENA RASAPUTRAM (Sri Lanka) rejected suggestions that the Government of Sri Lanka was denying the right to self-determination to any group. He stated there was a danger of terrorists, drug traffickers and other illegal groups acting under the guise of seeking self-determination. Groups such as the Liberation Tigers of Tamil Eelam were perpetrating atrocities, such as the killing of Muslims at prayer. The Sri Lankan Government was open to constructive criticism and political dialogue. The Government had been democratically elected and was not a colonial Power. There was total freedom for journalists and non-governmental organizations to investigate any alleged cases of human rights violations.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

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1 February 1991

COMMISSION CONTINUES DEBATE ON VIOLATION OF HUMAN RIGHTS IN OCCUPIED ARAB TERRITORIES AND SELF-DETERMINATION

GENEVA, 31 January (UN Information Service) -- The Commission on Human Rights this afternoon continued its debate on the question of the violation of human rights in the occupied Arab territories, including Palestine, and the right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation.

Participating in the debate were delegations from the Ukraine, Austria, Senegal, Bangladesh, Oman and Bahrain, as well as Liberation, a non-governmental organization.

Statements in Debate

V.A. VASILENKO (Ukraine) said the right to self-determination was one of the most important legal elements of international order. The process of self-determination had recently gained momentum in the Ukraine; in July 1990, the country had declared its sovereignty. This process had also spread to other republics of the Soviet Union, which were looking to set up a commonwealth of nations. Such a commonwealth should develop with respect for freedom of choice and not with "the use of violent methods on any forum or any body".

He hoped the Conference on Security and Co-operation in Europe (CSCE) would support this "natural and legitimate" intention of the Ukraine. The peoples of 18 Non-Self-Governing Territories and one Trust Territory did not have the right to make their free and independent choice, he continued. Their right to self-determination and independence should be granted in full compliance with the Charter and the Declaration on the Granting of Independence to Colonial Countries and Peoples.

FELIX ERMACORA (Austria) said he regretted that the issue of violation of human rights in the occupied Arab territories had been with the Commission for over 20 years. Over all those years, Austria had expressed its deep concern about Israeli practices in the occupied territories. In spite of the

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promising signs that accompanied the historic decision of the Palestine National Congress in Algiers, the chances for moving more vigorously towards peace had not been seized.

The invasion and illegal annexation of Kuwait by Iraqi military forces, and the refusal of Iraq to adhere to Security Council resolutions, had detracted attention from the plight of the Palestinians, he continued. Austria had, for many years, advocated direct contacts between the two main parties of that conflict to pave the way for an international conference. It had also invited Palestinians and Israelis from non-governmental organizations to a seminar to be organized in Vienna by the Committee on the Inalienable Rights of the Palestinian People. The intifadah, however, symbolized the very absence of dialogue.

Austria was concerned about the excessive and disproportionate use of firearms and tear gas against women and children in situations where such action could not be explained by the need to maintain order, but rather as indiscriminate collective punishment and political repression. Austria also shared the increasing concern of the Palestinian population about changes in the demographic composition of the occupied territories due to immigration from Eastern European countries.

ALIOUNE SENE (Senegal) said the United Nations recognized the justness of the Palestinian people's fight, the representative character of the Palestine Liberation Organization (PLO) and the central role of the Palestinian question in the conflict in the Middle East. The question of human rights in the occupied Arab territories lay at the heart of one of the most dangerous crises. There was an urgent need for the application of the Geneva Convention and for the convening of an international conference for Middle East peace. Only international legitimacy could allow all members of the international community to speak a common language in accordance with the principles and objectives of the Charter and the Universal Declaration of Human Rights.

HARUN-UR-RASHID (Bangladesh) said the unresolved problem of Palestine and the sufferings of the Palestinian people resulted from the denial of their inalienable right to self-determination. Bangladesh supported their struggle. Israel should give up all Arab territories it held illegally, including the Golan Heights.

He said his country was conscious of the changes that had taken place in South Africa. However, although Nelson Mandela was free, he still did not have the right to vote. Internal and external pressures on Pretoria should not be relaxed until apartheid was totally dismantled.

In Afghanistan, he continued, the sufferings of the people had not ceased, and millions of refugees, so generously hosted by Pakistan and Iran, were yet to return home. The people of Afghanistan were yet to exercise their right of self-determination. In Kampuchea, he advocated a comprehensive political solution and supported all positive initiatives towards a peaceful solution.

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ABDULLA AL-FARSI (Oman) said that despite some positive developments there were still problems in the world which affected human rights. The situation in the Gulf area was damaging to people and the very infrastructure of the nations involved. Oman hoped that Iraq would withdraw from Kuwait and help restore peace to the area.

The crisis in the Gulf should not detract attention from the situation in the Israeli occupied territories or apartheid in South Africa. Oman favoured the convening of an international conference, under United Nations auspices, which could finally bring an end to the Israeli occupation and bring a lasting peace to the Middle East.

ADEL SATER (Bahrain) said that for more than 20 years the Security Council had adopted resolutions condemning Israel for its cruel practices against Palestinians. The Council had also called for Israel's withdrawal from the territories it occupied by force. Yet Israel's defiance continued. Benefiting from the attention being given to the Gulf crisis, Israel had stepped up its repressive practices against the Palestinians in the occupied territories. The Palestinian issue could not be resolved without the formation of a Palestinian state. Israel had also continued its occupation of southern Lebanon under the pretext of ensuring its security.

DEMANI PONRAJAH, of Liberation, expressed his deep concern about the rapidly deteriorating human rights situation of the people of Tamil Eelam in Sri Lanka. He recalled that in March 1987 the Commission had called on all parties to the conflict to respect humanitarian law; but four years later, the armed conflict in Sri Lanka continued to rage with increasing ferocity and the Sri Lankan authorities to act in breach of international humanitarian law. The Commission should send an investigation team to the north and east of Sri Lanka. Such a step would halt the blatant and persistent violations of human rights in Sri Lanka and compel the parties to the conflict to respect universally accepted humanitarian standards.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

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4 February 1991

HUMAN RIGHTS IN OCCUPIED ARAB TERRITORIES AND RIGHT OF SELF-DETERMINATION DISCUSSED BY HUMAN RIGHTS COMMISSION

GENEVA, 1 February (UN Information Service) -- As the Commission on Human Rights wound up the first week of its forty-seventh session this afternoon, its Chairman, Enrique Bernales Ballesteros, appealed to the Israeli authorities to put an end to the situation prevailing in the occupied territories since the imposition of a 24-hour curfew on 17 January. The call came as the Commission continued consideration of the question of the violation of human rights in the occupied Arab territories, including Palestine, and the right of peoples to self-determination and its application to peoples under colonial or alien domination or occupation (items 4 and 9, respectively, of its agenda).

Taking part in the debate this afternoon were representatives from Morocco, Hungary, Brazil, Japan, Australia, Argentina, United States, Indonesia, Byelorussia, Syria, Pax Christi, the International Association against Torture, the World Confederation of Labour; while Iraq exercised its right of reply.

On Monday, 4 February, the Commission will continue consideration of the two items at its morning meeting starting at 10 a.m. The human rights body is also scheduled to hear an address by Sten Andersson, Minister for Foreign Affairs of Sweden.

Statements

EL GHALI BENHIMA (Morocco) stated that the Palestinians had suffered for decades under Israeli colonization. Since the establishment of Israel that nation had refused to address this problem by using the question of security as a cover. In December 1988, Yasser Arafat addressed the General Assembly and suggested how to achieve a lasting peace in the Middle East. Regarding South Africa, it should not be forgotten that apartheid still existed and should be brought to a complete stop. Certain positive steps had been taken by the South African Government recently, such as the release of black political leaders. But the international community should continue to press for the total abolition of apartheid in all its forms. As to the situation in Cambodia, it was hoped that the peace plan adopted in September would lead to

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a solution there. Meanwhile, the situation in Afghanistan was still a cause of concern due to the internal conflict that followed the withdrawal of foreign troops.

HILDA BURER, of Pax Christi International, said that Israel had defied the international community by refusing the proposed United Nations fact-finding mission and by subjecting the President of the forty-fifth session of the General Assembly to a series of affronts during his visit to the occupied territories. In condemning the massacre of Palestinians by the Israeli security forces of 8 October 1990, Pax Christi appealed to the world community to rapidly intervene in obliging Israel to respect the rights of the Palestinian people by immediately applying the Fourth Geneva Convention of 12 August 1949.

DAVID KALKE, of the International Association against Torture, declared that some events in the emerging world order challenged the right to self-determination for many peoples. The so-called "new democracies" in the Americas, brought into power through the mediation of armed forces which had been used to torture and repress its own people, represented an ongoing threat to indigenous populations, African-Americans, peasants and a growing underemployed working class. The so-called "free elections" in those countries could only be seen as efforts to manipulate and reinterpret the democratic process against the people.

The development of the United States' economy and its politics were based on racism. While it was the labour of African slaves which had served as the foundation of the economic development of the United States, Africans in the United States had never benefited from that wealth. United States' colonial control extended to the island of Puerto Rico. Other bodies of the United Nations were watching the emergence of a process in Puerto Rico to bring an end to this control. In Palestine and South Africa, a double-standard applied: while some invaders were brutally punished, others were rewarded, and where some economic sanctions were given years to fail, others were not even tried for several months.

MIKLOS ENDREFFY (Hungary) said that human rights violations in the occupied Arab territories were quite widespread and took many forms. Most deplorable were incidents involving loss of life like the one of 8 October 1990 at the Haram al-Sharif (Temple Mount) in Jerusalem. Other human rights violations took the form of large scale use of detention without trial, ill-treatment during interrogation, collective punishment and limitations on the freedom of movement, of expression and/or education. Such a settlement could best be achieved through a negotiating process that involved all the parties concerned, based on Security Council resolution 242.

RUBENS RICUPERO (Brazil) stated that the situation in the occupied territories stemmed from the lack of a political solution that would provide for the fulfilment of the right of the Palestinian people to self-determination. Over the last few months the situation in the occupied territories had deteriorated even further, in a process that had once again caused great suffering and aroused great concern in Brazil.

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Brazil supported the convening of an international peace conference on the Middle East. Early and effective steps had to be taken in order to bring about a comprehensive solution to the question of Palestine, through the exercise of the right of self-determination by the Palestinian people. Brazil urged all the parties involved in the question of the occupied territories to engage in a constructive and productive dialogue with a view to effectively addressing this complex issue in a way that would ensure peace and the observance of human rights.

KATSUMI SEZAKI (Japan) observed that most people were more convinced than ever that the international community should take really effective steps towards the development of the peace process and the fair settlement of the Palestinian question. The Government of Japan had long insisted that peace in the Middle East should be achieved as quickly as possible. It was a humanitarian requirement and the international community was obliged to extend assistance to the Palestinian refugees and distressed Palestinian residents in the West Bank and the Gaza Strip.

JOHN McCARTHY (Australia) said that support for the concept of self-determination had been a driving force in the period of decolonization and the attainment of human rights over 40 years ago. In exercise of the right of self-determination, the people of country after country had achieved independence and had made their own decisions as to political and other institutions. But it was evident from the matters with which the Commission had in recent years been concerned under this item, that the denial of the right to self-determination went beyond traditional colonialism, to include foreign military intervention.

It was the Australian delegation's hope and expectation that Iraqi forces would be forced to withdraw from Kuwait, allowing the legitimate Government of Kuwait to be restored in conformity with the relevant United Nations Security Council resolutions. Israel had a right to live within secure and recognized borders. The Palestinians also had a right to self-determination, including the possibility of their own independent state.

Israel's own immense continuing security problems had been underlined by Iraq's deplorable missile attacks on civilian targets. But Australia was also concerned about abuses such as the use of excessive force against Palestinian demonstrators and deportations from the occupied territories.

ZELMIRA REGAZZOLI (Argentina) reaffirmed her Government's support for the Palestinian people; Argentina had been the home for various flows of Jewish and Arab immigrants who went on to live together peacefully. This experience was proof that those two peoples could coexist in peace. Argentina was in favour of holding an international conference which could seek durable solutions to the conflict. The lack of progress in the search for a settlement had increased the sufferings of the Palestinians.

J. KENNETH BLACKWELL (United States) stated that there could be no more blatant denial of self-determination than the hostile imposition of foreign rule. But removing an army of occupation did not, by itself, guarantee

self-determination. This right was not a "Western" institution, nor a luxury that only wealthy nations could afford. It was part of the common culture of humanity. Self-determination was the political expression of human autonomy. The last decade's revolution of self-determination was consolidating its gains. Democratic transitions had been made in Bulgaria, Chile, Czechoslovakia, Haiti, Hungary, Namibia, Nicaragua, Panama and Poland. Sao Tome and Principe had joined the trend recently with democratic elections that ended 15 years of single-party leftist rule, while elsewhere in Africa numerous countries were adopting multiparty systems. But free elections were necessary, though not sufficient, to ensure self-determination. It also required the protection of rights that checked runaway majorities.

In the Baltics, the use of force by the Soviet Government fundamentally and tragically contradicted the basic principles of perestroika, glasnost and democratization. The reforms based on those principles had offered the best prospect of continued improvement in United States-Soviet relations. Soviet interests themselves required that the reform process go forward.

WISBER LOEIS (Indonesia) said that there had recently been an escalation in the frequency and intensity of the use of "iron-fist" methods by the Israeli authorities, leading to the death or wounding of hundreds of Palestinians in many areas of the occupied territories. The international community had witnessed, over the past two years, a sharp contrast between Palestinian moderation and Israeli intransigence. On the Palestinian side a peace initiative was launched by President Yasser Arafat, whereas on the Israeli side this initiative was ignored and the efforts to deny the people of Palestine their national rights had persisted.

The situation in Cambodia remained a major focal point. Although much remained to be done, a significant breakthrough was achieved at a meeting in Jakarta, convened by France and Indonesia as Co-Chairmen of the Paris International Conference on Cambodia, which was attended by the four Cambodian parties, as well as the representative of the United Nations Secretary-General.

STANISLAV OGURTSOV (Byelorussia) said that his Government was engaged in developing harmonious situations to enhance economic, social and political achievement. His Government had taken measures to apply those principles by declaring a new policy that was adopted in June 1990 by the republic's legislature. Referring to the sovereignty of the republics and the centre in the Soviet Union, he advocated dialogue and not forceful action.

NABILA CHAALAN (Syria) stated that the reports on human rights violations by Israel confirmed that it did not observe the Fourth Geneva Convention concerning the protection of civilian populations under occupation. The opening of the doors to the influx of Soviet Jews was a grave danger to the Palestinian people. In dealing with the intifadah, children were in no way spared by Israel. Another danger was the curfew imposed in occupied territories. The question was, where were human rights in all of this. Israel was committing a crime against humanity and violating the United Nations Charter and international law. Peace could not be established in the region until Israel withdrew from the occupied territories. Syria wished to

see an international conference with participation of the Palestine Liberation Organization (PLO) and with full guarantees for the safety of the Palestinian people.

BLAISE ROBEZ, of the World Confederation of Labour, said that the international community did not show enough effort in applying United Nations resolutions in the occupied Arab territories. Respect for international law should be based on equity and be non-selective. Israel had chased the Arabs from their land and had compelled them to live in refugee camps. Since 1967 the Israeli authorities had developed terrorist and racist practices that aggravated the insecurity and well-being of the Palestinians. Arab workers also suffered discriminatory treatment. The rights of Arab labour unions were violated through the confiscation of documents and other materials and the closure of their offices.

Right of reply

SHAMIL MOHAMMED (Iraq) refuted the allegation of the Minister for Foreign Affairs of Luxembourg regarding the treatment of prisoners of war. The human rights of the Iraqi people were being violated by the United States, which continued to attack civilian targets. The West was attacking Iraq in order to re-establish its hegemony over the people of the third world. Iraq was willing to work towards a peaceful solution to the Middle East problem. The sacrifice of the Iraqi people will permit the Palestinians to recover their rights.

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United Nations

Press Release

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4 February 1991

HUMAN RIGHTS COMMISSION HEARS ADDRESS BY SWEDISH FOREIGN MINISTER CONTINUES DEBATE ON HUMAN RIGHTS IN OCCUPIED TERRITORIES

GENEVA, 4 February (UN Information Service) -- The Commission on Human Rights this morning heard an address by Foreign Minister Sten Andersson of Sweden.

It also continued its discussion on the question of human rights violations in the occupied Arab territories, hearing statements by the representatives of the Ukraine, the Philippines, Angola, Czechoslovakia, Japan, Pakistan, Sweden, Portugal, Canada, Cuba and Zambia. The United Kingdom, the United States and India exercised the right of reply.

Address by Foreign Minister of Sweden

STEN ANDERSSON, Foreign Minister of Sweden, stated that human rights could never be subject to bargaining, no matter what political wind might be blowing, and that applied to all regions of the world. It was something of a paradox that respect for democracy and human rights was so thin in the Middle East, "the cradle of our civilization". The Commission had listened for many years to reports of serious human rights violations in Iraq. Iraq had broken the peace with its brutal invasion of Kuwait and reports emanating from there told of "inconceivable atrocities".

The missile attacks on civilians in non-participating countries, deliberate oil spills and the threat of bio-chemical and chemical weapons were further examples of Iraq's disrespect for international humanitarian law.

He went on to say that in the Baltic republics, brutal force had been used against unarmed and peaceful civilians. Sweden condemned those infringements of basic human rights by a Government which claimed to adhere to international laws and instruments, the most recent of which was the Paris Charter signed last year. Concern regarding human rights violations could never be construed as intervention in the internal affairs of States.

Sweden commended the efforts to find a peaceful solution to the Cambodian conflict, he said. The independence, sovereignty and territorial integrity of Cambodia must be resurrected and maintained. There must be no return to the

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universally condemned policies and practices of the past. While Sweden deplored the continuing fighting in Cambodia, it welcomed the new initiatives launched, with a view to giving the United Nations an enhanced role in the peace process.

Statements in Debate

VALERI KOUTCHINSKY (Ukraine) said that although the cold war was over, there was heightened tension in the Gulf and an escalation of violence in the Middle East. United Nations agencies and non-governmental organizations had extensively documented Israel's intransigence and refusal to resolve the Palestinian problem. A punitive Israeli policy was exemplified by the indiscriminate arrest and administrative detention of Palestinians, the deportation of persons accused of involvement in the intifadah and extensive curfews.

Furthermore, he said, mass immigration of Jews from the Soviet Union was evidence of a hypocritical policy which considered the rights of Jews the world over and not those of the Palestinians. Israel's refusal to negotiate with the Palestine Liberation Organization (PLO) complicated the situation. The United Nations possessed the diplomatic facilities to provide a solution for Palestinians, including the setting up of a Palestinian state. A peace conference under United Nations auspices was necessary.

PURIFICACION V. QUISUMBING (Philippines) said the deportation of Palestinians, administrative detention, the massacre on 8 October 1990 in Jerusalem, the use of indiscriminate and excessive force against demonstrators, especially children, and other atrocities committed by the occupying forces had evoked a universal chorus of censure. The international community must indeed accept the real concern of the occupying Power about its security. However, the plight of the Palestinians was so acute that they had resorted to the intifadah, a desperate form of expression emphasizing the urgent need to address the question of a Palestinian homeland. There should be an international peace conference on the Middle East under the auspices of the United Nations, an organization which had achieved progress in the search for a comprehensive political settlement in Cambodia.

AUGUSTO CAETANO JOAO (Angola) said he was concerned about the continuing violation of human rights by Israel, such as the daily arrests of Palestinians, the killings at the Al-Aqsa mosque and the expulsion of Palestinians from their territory. Israel's intransigent and arrogant stance against the creation of a Palestinian state incited terrorist violence. The Israeli authorities must respect United Nations resolutions and agree to an international conference on the Middle East under the auspices of the United Nations with the participation of PLO. The Gulf crisis should not be allowed to obscure the need for a Middle East solution. Angola had condemned the invasion and the annexation of Kuwait by Iraq. As to the situation in the Indian Ocean and Africa, Angola regretted that the people of East Timor had been prevented from exercising their right to self-determination. Angola continued to support South Africa's policy of dismantling apartheid.

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ZDENEK PAGAC (Czechoslovakia) the past year was marked by great hope evoked by profound democratic changes in Central and Eastern Europe and trends towards democracy in other parts of the world. The free choice exercised by the German population, reunited after 40 years of forced separation, was welcomed. Iraq's aggression against Kuwait was an ominous phenomenon, incompatible with fundamental norms of civilized behaviour of States. Reports of torture and arbitrary executions of innocent civilians were the cause of deep concern. Once the Gulf war was over, the international community should proceed towards ensuring the right of Palestinians to self-determination.

KATSUMI SEZAKI (Japan) said discriminatory and intolerant attitudes and actions against vulnerable people were regrettably still to be found in various parts of the world. Recent positive changes in South Africa offered the prospect of a peaceful and negotiated solution there. The recent meeting of the African National Congress of South Africa (ANC) and Inkatha leaders resulted in a call for an immediate end to violence among their supporters and for peace within the African community. In Afghanistan, true stability could not be achieved without the establishment of a broad-based Government that reflected the popular will. With respect to Cambodia, Japan had hosted the Tokyo Meeting on Cambodia last June in an effort to promote dialogue among the parties involved.

Iraq's aggression against Kuwait was a most outrageous violation of the principle of self-determination, he said. Japan had been contributing to the international efforts for the restoration of peace and stability in the Gulf by providing transport, materials and equipment, as well as medical and financial assistance to the multinational forces in the Gulf.

S.M. ZAFAR (Pakistan) said his country supported the voluntary return of over 5 million Afghan refugees to their homeland in safety and honour, and the free exercise of the right of the people of Afghanistan to choose their own form of Government. Pakistan condemned the atrocities perpetrated by the Israeli authorities in their attempt to suppress the intifadah and the illegal Israeli policy of establishing settlements by expropriating the lands of the Palestinians. The solution of the Middle East problem would remain elusive without the total Israeli withdrawal from all occupied Palestinian and Arab territories, including Al-Quds Al-Shareef, and the recognition of the right of the Palestinian people to self-determination in an independent state of their own in Palestine. In South Africa, apartheid remained, but there had been positive developments, and it was hoped that the process of negotiation, consultation and dialogue would continue to steer other regions towards an era of peace and prosperity.

STAFFAN DUHS (Sweden) referred to efforts to find a peaceful solution to the Cambodian conflict and said the independence, sovereignty and territorial integrity of Cambodia must be resurrected and maintained. There must be no return to the universally condemned policies and practices of the past. While Sweden deplored the continuing fighting in Cambodia, it welcomed the new initiatives launched, with a view to giving the United Nations an enhanced role in the peace process.

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LUIS ROMA DE ALBUQUERQUE (Portugal) said his country had carried out a process of decolonization which involved the granting of independence to Angola, Mozambique, Guinea-Bissau, Cape Verde and Sao Tome and Principe. In the case of East Timor, the same process had been started. Unfortunately, Indonesia invaded East Timor in December 1975, and deprived the East Timorians of the ability to choose between integration with Indonesia or independence. In fact, after 15 years, the people of East Timor were still openly resisting the Indonesian presence. East Timor was subjected to the most distressing conditions, and according to the Indonesia Governor of Timor, some 100,000 people had died between 1975-1985. There was very indication that the activities of Indonesia had not improved neither the economic conditions nor resolved the problems of decolonization. Portugal was firmly opposed to the flagrant violation of international law represented by the invasion and illegal occupation of East Timor.

RAYNELL ANDREYCHUCK (Canada) said his Government had repeatedly stated its support of Israel's right to security and recognition. It was deeply concerned over continued human rights violations perpetrated by the Israeli authorities against the Palestinian people in the occupied territories. Israel should apply the provisions of the Fourth Geneva Convention. Human rights violations continued. Israel's policy of last spring had avoided unnecessary direct confrontations in some refugee camps. But there had also been incidents of concern such as on the Temple Mount. Canada condemned violence wherever it came from. It was also concerned about the steady growth of Israeli settlements outside Israel's 1967 borders and the extended curfew imposed on the occupied territories. Canada would provide 10,000 gas masks for that population. The policy of "administrative detention" was another source of concern. Such a practice "can only impede further the prospects for a negotiated political resolution to the conflict".

RAUL ROA KOURI (Cuba) said his country opposed any use of force to settle international disputes. Colonialism was not a thing of the past, as was evident in Puerto Rico, whose people was still not able to exercise the right to self-determination. The people of the Sahara faced a similar situation. In the Middle East, there was the urgent need to restore the rights of the Palestinian people, and thus contribute to peace and stability in the region. The Iraqi invasion of Kuwait was unacceptable. However, the United States had used the invasion as an opportunity to establish a foothold in the Gulf, and its conduct had gone beyond the measures authorized by the United Nations. That unnecessary war had been imposed on the international community by manipulation and anti-democratic practices. Cuba could not condone the killing of children, women and elderly people in Iraq.

ISAIAH CHABALA (Zambia) called for immediate Israeli withdrawal from the occupied territories and affirmed Israel's right to exist as well as the right of the Palestinian people to self-determination. An international peace conference should be called to deal speedily with that issue. In the meantime, Israel's policy of deportations should end. In the Gulf, Iraq should withdraw from Kuwait and a negotiated settlement must be sought.

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He went on to say that the success of the process of change now under way in South Africa depended on the cessation of mercenary activities. Regarding Angola, Zambia had called for a cessation of foreign aid to the National Union for the Total Independence of Angola (UNITA), while in Mozambique, an end to aid to the Mozambique National Resistence Movement (RENAMO) along with national reconciliation and democratization were needed. Zambia supported the people of the Maldives and the Comoros, who had suffered mercenary incursion. It also supported the Saharan people in their struggle for self-determination.

Right of Reply

HENRY STEELE (United Kingdom), replying to earlier comments by the representative of Iraq, said there was no policy or practice of internment of Iraqi civilians in the United Kingdom and that no Iraqi civilian was being held in the United Kingdom against his will. From the outbreak of hostilities, all Iraqi nationals in the United Kingdom, whether in custody or not, became protected persons under the Geneva Conventions, and the United Kingdom Government had promptly notified the International Committee of the Red Cross (ICRC) of the detentions of Iraqi military personnel. On the other hand, the treatment of British and other nationals in Iraq in the months after the Iraqi invasion of Kuwait was unsatisfactory. Iraq had not given access to ICRC to visit the allied servicemen held in captivity. It had not notified ICRC of the names of any of those servicemen.

J. KENNETH BLACKWELL (United States), also responding to the Iraqi statement, said the United States was used to the litany of mistruths, half-truths, calumnies and lies coming from the Government of Iraq. There was no need to reply when the Security Council had already declared the truth. The 12 resolutions of the Security Council spoke for themselves and required no further elaboration.

I.S. CHADHA (India) said the right to self-determination could not possibly be applied to territories which were integral parts of sovereign and independent States. Jammu and Kashmir's accession to India was of its own free will, and that accession was final and irrevocable. The argument which Pakistan was advancing was a self-serving distortion of the principle of self-determination. To advance that argument was to strike at the very roots of the present-day international order of nation States. Its acceptance could only be a recipe for disorder and disintegration around the world. If there was an internal law and order problem in Jammu and Kashmir today, its major cause was the active support which Pakistan was openly giving to the terrorists and secessionists operating within their borders.

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United Nations

Press Release

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5 February 1991

HUMAN RIGHTS COMMISSION HEARS MORE STATEMENTS CONCERNING OCCUPIED ARAB TERRITORIES AND SELF-DETERMINATION

GENEVA, 4 February (UN Information Service) -- The Commission on Human Rights, this afternoon, 4 February, continued discussion on the question of the violation of human rights in the occupied Arab territories, including Palestine, and the right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation.

The representatives of Cyprus, Tunisia, Algeria, Viet Nam, Turkey, Austria, the United Republic of Tanzania and Kuwait, as well as the observer for Palestine and the representatives of the Movement against Racism and for Friendship among Peoples and the International Federation of Free Journalists took part in the debate. Iraq, India, the United Kingdom and Pakistan exercised their right of reply.

Statements in Debate

VANIAS MARKIDES (Cyprus) said that a most recent example of the denial of self-determination was the Iraqi invasion and purported annexation of Kuwait. Cyprus fully supported the implementation of the relevant Security Council resolutions and hoped that the hostilities would end as soon as possible. The right to self-determination belonged to a people as a whole and constituted an authoritative interpretation and a United Nations practice. Recent events in Europe constituted a triumph for internal self-determination. Cyprus wanted to see more accomplishments of external self-determination and the cessation of all foreign occupation where it still existed. Cyprus itself was a victim of invasion and occupation by a powerful neighbour. The right of self-determination could be misinterpreted and distorted in order to meet secessionist or expansionist movements. The main international instruments dealing with this right did not recognize the right of secession.

SOUAD LYAGOUBI-OUAHCHI (Tunisia) stated that Israel persisted in denying the Palestinian people their inalienable right. The fact that the intifadah had moved into its fourth year raised the question of how long the international community would tolerate Israel's open flouting of international resolutions. Solving this question was linked to all other problems in the area which could not be settled until Israel had withdrawn from the occupied

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territories. Tunisia supported the convening of an international conference on the Middle East this year so that the problem could be solved once and for all and lead to a lasting peace in the area.

NABIL RAMLAWI, observer for Palestine, declared that the right to the creation of a Palestinian state was historical and natural. The question of Palestine was the essence of the actual conflict in the region. The denial of the right to self-determination could only escalate the present armed conflict. Although the United Nations passed a resolution in 1948 to establish a Palestinian state, that resolution had never been realized. Procrastination in international circles through a conspiracy of some Powers had hampered the enjoyment of the right to self-determination of the Palestinians. Instead, Palestinians were being liquidated by the occupying Power. In the Gulf, the objectives of the United States' intervention had shifted from liberating Kuwait to destroying Iraq's scientific and human capabilities. Israel and the United States aimed to dominate the region militarily and economically. Peace and security could only be guaranteed through an international conference in accordance with the United Nations resolutions concerning the Palestinian question.

ABDELHAMID SEMICHI (Algeria) said that it was imperative that a lasting solution be found to the crisis in the Middle East. The solution to the question of Palestine should be the only key to the establishment of peace in the region. The denial of the right of the Palestinians to self-determination would only increase tensions and aggravate the repression of the population. To give priority to other regional problems rather than to the Palestinian issue would only permit the escalation of violence. The application of all United Nations resolutions without distinction would allow the Palestinians to restore their legitimate rights and to create an independent state. Regarding southern Africa, the total dismantling of apartheid was necessary before the people of that region could exercise their right of self-determination. Algeria was also concerned about the right to self-determination of the people of Western Sahara, and would support the organization of a referendum on self-determination there.

LE LUONG MINH (Viet Nam) after congratulating Namibia which, after many years of suffering and staunch struggle, had gained independence, spoke of recent "encouraging achievements" in the search for a solution to the Cambodian issue. Among those was the agreement reached last December in Paris by the 12 members of the Supreme National Council with the Presidents of the Paris Conference and the representative of the Secretary General. The internal affairs of Cambodia must be solved by Cambodians. Viet Nam had always maintained that the core of the Cambodian question was the punishment of the crimes of genocide committed by the Pol Pot regime, in accordance with the spirit and the letter of the Geneva Convention on the Prevention and Punishment of the Crime of Genocide. In fact, the Jakarta meetings with the participation of all Cambodian parties and South-East Asian countries had agreed on the necessity to eliminate the genocidal Pol Pot regime as one of the two key issues of a comprehensive political solution. The document of the

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Security Council advanced in August 1990 failed to mention the question of the elimination of the genocidal regime in Cambodia. This document should be further elaborated to include measures to this end.

ONUR GOKCE (Turkey) said that the right to self-determination had indeed become a basic rule of international law. But self-determination was a right of "peoples", and not of "minorities" within a nation. The term minority meant groups which were really different from the rest of the population, and who had been given minority status according to the law of the land or through bilateral or international agreements. An illustration of the traumatic consequences of the denial of the right to self-determination could be amply found in the plight suffered by the Palestinian people. The situation in Afghanistan continued to be of concern to Turkey. In spite of the fact that much had been accomplished in bringing the conflicting parties together, the essential need for a broad-based government fully representing the Afghan people was still unfulfilled.

In Cambodia, the conflict had been going on for a long time and Turkey was pleased by the decisions taken by all the Cambodian parties inspired by the Security Council plan at their Jakarta meeting of September 1990. The accession to independence of Namibia in March last year had been a source of great pleasure for Turkey. Progress towards dismantling apartheid in that country raised hopes for a better and more promising era for the region.

FELIX ERMACORA (Austria) said that self-determination was the right of people, not of Governments. While it was true that free elections were a model for self-determination, they were not the only ones. The recent unification of Germany was one example of self-determination. People must be able to express themselves and Governments should create structures for this. There were neglected and forgotten cases concerning human rights and self-determination; self-determination was not confined to decolonization. The Sub-Commission on the Prevention of Discrimination and Protection of Minorities should take up this question and elaborate a careful analysis of this right, taking into account recent developments in the international arena.

AUGUSTINE MAHIGA (United Republic of Tanzania) declared that almost every human right had been violated by the Israeli authorities in the occupied territories and Palestine for the last 24 years. People of all ages were affected and there was a total disregard by Israel of the international outcry against those violations. The excessive repression by the Israeli authorities had brought home vividly the fate of the Palestinians which needed a response from the international community. Israel had ignored the many resolutions with regard to the occupied territories and the condemnation by the international community had become an ineffective ritual. The international community should at least move to provide protection to the Palestinians who routinely were being killed and maimed in ever-growing numbers. The policies of Israel to settle Jewish immigrants in the occupied territories would lead to more violence and tension in the whole region.

he said that, for many years, apartheid in South Africa had been a cause of instability in the sub-region through the destabilization of neighbouring

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States. Its destructive aftermath had caused widespread suffering and denied the realization of human rights for millions of people in the sub-region.

MAHMOUD AL-NOURI (Kuwait) stated that his country was created in 1711. Modern independent Kuwait emerged in the twentieth century, after the British mandate of Kuwait that followed the rule of the Ottoman Empire. Before independence in 1963, Iraq had recognized the sovereignty of Kuwait in a letter signed on 25 July 1932. It was surprising, he said, that the present Iraqi regime denied the sovereignty of Kuwait. If Iraq dismissed the boundaries of Kuwait as colonial, the whole situation of the region should be brought into question. Iraq had unjustifiably accused Kuwait of stealing its oil. The Iraqi occupying authorities had annexed Kuwait as their nineteenth province; hospitals and other institutions had been destroyed. The monetary system was equated to that of Iraq. The Iraqis did not find a single Kuwaiti to welcome them and continued to repress the people.

JEAN-JACQUES KIRKYACHARIAN, of the Movement against Racism and for Friendship among Peoples, said that the global tendency towards unification of the norms for economic and social life were meeting with more than one contradiction. The most important one was the contrast between the aspiration to a better life and fulfilment of democratic and social rights on the one hand, and enormous economic distress and violations of human rights on the other. But there was more; this painful unification of norms was taking place to the detriment of the legitimate aspirations of human groups, especially minorities, to preserve their proper cultures and their freedom to be different.

NARCIZAS PRIELAIDA, of the International Federation of Free Journalists (IFFJ), said that in the storm of the conflict in the Gulf all attention was turned to Kuwait and Iraq. Unanimous voices had condemned that invasion, but how many voices had been raised to condemn another invader who had exploited to the extreme the tension in the Gulf to send elite troops to Vilnius? The IFFJ had asked the Secretary-General of the United Nations on 13 January to urgently convene an international conference to resolve the Baltic problem. A resolution recognizing the rights of the Baltic peoples to self-determination should be adopted by the Commission, which was called to carry out in practice and not only on paper the intentions of the Universal Declaration of Human Rights.

Rights of Reply

SYED ZAFAR (Pakistan), in reply to a statement by the Indian delegation, declared that the international community would not accept the annexation of neighbouring States, or kingdoms, or peoples, by would-be aggressors. India's attempt to swallow the disputed territory of Jammu and Kashmir was destined to fail. Its assertion that the disputed territory was an integral part of India had been totally repudiated by relevant United Nations resolutions. The passage of time did not nullify fundamental principles like the right to self-determination. The contention by the representative of India that the Simla Agreement of 2 July 1972 had altered the status of Jammu and Kashmir as a disputed territory, and that Pakistan was precluded from taking up the

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Kashmir issue at the United Nations, had no legal justification whatsoever. Pakistan had repeatedly and categorically denied allegations that it was intervening in Kashmir.

ABDUL AL-KADHI (Iraq) said that United States aggression against Iraq had caused great damage to Baghdad. The dropping of explosives, which amounted to more than the equivalent of the bombs dropped on Hiroshima and Nagasaki, was a gross violation of human rights. The United States accused Iraq of polluting the environment by spilling oil in the sea, but the spills were the result of the bombing of Iraqi oil tankers. Simple historical accounts showed that Kuwait was part of Iraq. Kuwait was the creation of the British Foreign Office. Furthermore, the ruling El Sabah family exploited Kuwaiti resources.

I.S. CHADHA (India) said that Pakistan had confirmed its intervention in the internal affairs of India. Pakistan was also supporting insurgency activities against India. India adhered to democratic rules and would continue to advocate negotiations and dialogue. He also said that the problem could be solved with a friendly approach between the two parties.

HENRY STEEL (United Kingdom) reiterated that no Iraqi was arrested in the United Kingdom for criminal offences, but for the potential to behave in a dangerous manner or because of his military status. Iraq had the obligation to comply with the Geneva Convention with regard to prisoners of war.

Mr. ZAFAR (Pakistan), in a second right of reply, said that he did not recognize the Kashmir and Jammu territories to be part of India. Pakistan upheld the right of the people of Jammu and Kashmir to self-determination in accordance with the resolutions of the United Nations Security Council

Mr. AL-KADHI (Iraq) said that the United Kingdom delegation's reply regarding Iraqis arrested was not justified. Iraqi civilians studying in the United Kingdom were arrested without trial. Their arrest was on the basis of their potential intent. The United Kingdom should also comply with the Fourth Geneva Convention.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/205
5 February 1991

HUMAN RIGHTS COMMISSION HEARS ADDRESS BY UNITED KINGDOM'S UNDER-SECRETARY OF STATE FOR FOREIGN AFFAIRS

Debate Continues on Human Rights In Occupied Arab Territories and Self-Determination

GENEVA, 5 February (UN Information Service) -- The Commission on Human Rights this morning heard Mark Lennox-Boyd, Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom, ask the Iraqi Government to respect the Geneva Convention. He also expressed his Government's concern over the recent use of force in the Baltics.

Mr. Lennox-Boyd made his statement as the Commission continued to debate the question of human rights in the occupied Arab territories, including Palestine, and the right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation.

Also participating in this morning's debate were representatives of the Union of Arab Jurists, the World Union for Progressive Judaism, the International Federation - Terre des Hommes, Centre Europe - Tiers Monde, the International Organization for the Elimination of All Forms of Racial Discrimination, the International League for the Rights and Liberation of Peoples, Pax Romana, the World Federation of Trade Unions, the Latin American Federation of Associations of Relatives of Disappeared Detainees, the International Indian Treaty Council and the International Association of Democratic Lawyers. Indonesia, Yugoslavia, Japan and Iraq exercised the right of reply.

This afternoon the Commission is expected to end consideration of these two items and to take up the items relating to racial discrimination and apartheid.

Statement by United Kingdom Under-Secretary of State

MARK LENNOX-BOYD, Under-Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom, said there could be no doubt that respect for human rights was inextricably linked with political health and stability.

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For information media--not an official record

Governments more than ever faced the challenge of responding to pressure of public opinion, and of moving with the political expectations of the times, for political stability did not mean standing still. Even less did it mean silencing the voices which called for change. That stability was not achieved through denial of the human dignity and worth of individuals. It did mean a political system in which the people could genuinely participate.

A most vivid example of the failure to recognize human rights principles was perhaps that provided by Iraq, whose Government had for so long behaved with a brutal disregard not only for the rights but for the lives of its own citizens. For a tyranny that did not hesitate to torture and murder its own citizens, it was a small step to take to invade and destroy a small and peaceful neighbour like Kuwait. Ignoring the condemnation of the world and in defiance of mandatory resolutions of the Security Council, Iraq had refused to withdraw, plunging the area into a serious conflict.

Mr. Lennox-Boyd also expressed concern about the use of force which had resulted in a number of deaths in the Baltic States. He urged the Soviet authorities to negotiate peacefully, not to threaten or use force and to stand by their commitments, which they had accepted at the highest level in the Paris Charter and other instruments. He recalled Israel's obligations under the Fourth Geneva Convention, and the importance of full respect for the human rights of the Palestinian population. He further restated his Government's long-standing condemnation of the system of apartheid. He welcomed the measures announced last week by the President of South Africa with the aim of ending that system.

Statements in Debate

ELIAS KHOURI, of the Union of Arab Jurists, recalled that the plight of the Palestinian people began in 1949, when the victors of the Second World War made a fateful decision on the partition of Palestine. Since that time, the situation had worsened; the Palestinian people were now confronted with deportation, destruction of homes, the closing of schools and universities and arbitrary arrest. The problem of the Palestinians had been complicated by the mass immigration of Soviet Jews to the occupied territories, an influx that would not have been possible without the assistance and encouragement of the imperialist countries.

The attacks on Iraq by the allied forces went beyond that permitted by Security Council resolution 672, he said. There appeared to be a double standard for human rights. Whereas Iraq was being attacked over its policy in Kuwait, Israel had not been subjected to the same sanctions over its policy towards the Palestinians. The Palestinian trying to win his freedom was portrayed as a terrorist, while Israel's policies of suppression were not likewise characterized. Resolution 678 of the Security Council in no way authorized the destruction of Iraq and its people, and the destruction and blind bombardment of Iraq must be brought to an end.

DAVID LITTMAN, of the World Union for Progressive Judaism, stated that once before in this century the issue of "self-determination" dominated

foreign affairs. Adolf Hitler spoke of "rights" or criticized the United Kingdom and France for their "failure to apply democratic principles to the Sudeten German question" in Czechoslovakia; his interpretation of such concepts was flawed from the start. He did not care about "rights", "autonomy" or "self-determination" for the Sudetens, and he was certainly not a democrat. The "freedom fighter" of those days was a Sudeten Nazi, Konrad Henlein. He successfully organized the Sudeten "resistance", including "spontaneous" stone throwers. Henlein was received with great pomp in Western capitals, "not unlike today's media star".

Fortunately, in contrast to Hitler, Saddam Hussein was not served up one country after another. Thanks to President George Bush and the American people, the United Kingdom and a score of steadfast Governments, which included several members of the Arab League -- all of them under the moral aegis of the United Nations -- the "tyrant had been stopped dead in his tracks by a just war". Hitler pretended he only wanted to "liberate" Austria and obtain "self-determination" for the Sudetens. Saddam has run amok pretending to "liberate" Kuwait and obtain "self-determination" for the Palestinians.

ELLEN LACOURT, of the International Federation - Terre des Hommes, said her organization remained deeply concerned by the situation in Cambodia where fighting continued despite the agreement of August 1990 among the five permanent members of the Security Council on key elements of a comprehensive political settlement of the Cambodian conflict. The fighting had resulted in a great number of dead and wounded, displaced populations and the serious threat of famine. Between 130,000 and 150,000 persons had had to flee their homes after being subjected to the exactions and pillaging of guerrillas, and to interrogations by governmental forces who suspected them of co-operating with the guerrillas.

Beyond all political considerations, the Cambodian people had the right to enjoy the fundamental rights recognized by the United Nations, and, in particular, the right of self-determination, without any pressure from any faction. The Commission on Human Rights should strongly recommend to all Governments and intergovernmental groups concerned with the peace plan presently being examined for Cambodia, to do everything possible to make the right to self-determination a reality for the Cambodian people as quickly as possible.

ANDRE EVALET, of the Centre Europe - Tiers Monde, said that while all attention was directed towards the Gulf, the conflict in Ethiopia was still present. The Ethiopian Government continued to violate human rights, particularly in Eritrea as well as in all of Ethiopia. Ethiopia had the desire to exploit the Gulf war by proclaiming its support for the anti-Iraq coalition to obtain arms from other countries. The international community should mobilize itself against the 1962 invasion and annexation of Eritrea. The United Nations had a major responsibility in the conflict because of its adoption of a resolution 1950 federating Eritrea with Ethiopia and because of its silence during the last 30 years. The only way to solve the Eritrean question was to allow the people to exercise their right of self-determination.

R. HUSSEIN, of the International Organization for the Elimination of all Forms of Racial Discrimination, expressed his concern over the plight of the Palestinians and said that the Israelis had continued to exercise their tyrannical activities against the Palestinians. The occupying authorities were punishing the population by killing children and destroying their houses. The relevant resolutions by United Nations bodies regarding the occupied Arab territories had not been respected by the Israeli authorities. Referring to the Eritrean question, the speaker appealed to the Commission to do all it could to enable the Eritreans to accede to independence and said he "condemned the repressive methods of the Ethiopian Government" against the population.

VERENA GRAF, of the International League for the Rights and the Liberation of Peoples, called attention to the 25 million Kurds divided territorially into four separate States, and especially the 4 million Iraqi Kurds who had suffered 22 years of dictatorship. Some 50 per cent of the Iraqi Kurds had become refugees, had been obliged to flee to neighbouring countries. In Turkey, the repression of the Kurds continued despite the announcement by the authorities that the Kurdish language would be authorized. In Syria, the Kurds had been deprived of their national identity. The four States in which the Kurdish people lived should, through conciliation and negotiation, resolve to grant the Kurds the right of self-determination. In Eritrea, the problem found its root in the resolution passed by the United Nations in 1950 which federated Eritrea with Ethiopia and which then resulted in Eritrea's annexation by Ethiopia in 1962. The 30-year-old war in Eritrea had caused thousands of deaths and 1 million refugees. The Ethiopian Governments had indiscriminately bombed civilian centres; that had aggravated the problems of drought and famine.

EUDALD VENDRELL, of Pax Romana, said there were parallels between the Palestinian question and the situation in East Timor. From 1975 to 1982 the General Assembly had passed a number of resolutions on the right of self-determination by the people of East Timor. Security Council resolutions also demanded that Indonesia withdraw its troops without delay but, like those concerning Palestine, the resolutions had remained inactive. Although Israel had the right to its security, the best way to ensure it was not the occupation of its neighbouring territories. By the same token, Indonesia had not proved that its occupation of East Timor was necessary to the stability of the region.

He concluded by saying that the question of Kuwait could have been easily resolved and respect for United Nations resolutions assured had the Organization shown in all cases the determination it had manifested against the Iraqi invasion.

DANIEL RETUREAU, of the World Federation of Trade Unions, stated that the Federation had requested the departure of all occupation troops from Panama and that the sovereignty of that country on all its territory, including the Canal Zone, according to the Torrijos-Carter agreements, be fully respected. As for Puerto Rico, the Federation had sent a message to the President and Congress of the United States urging them to respect Assembly resolution 1514 (XV) on the question of independence for Puerto Rico. In the Middle East, the

Kurds suffered from a tragic situation which was now compounded by the effects of the Gulf conflict. Armed intervention in Lithuania and the Baltic states was not an acceptable alternative to solving complex problems; peaceful and sincere negotiations were needed. Free elections and self-determination should also be realized in Myanmar.

SAHIN ENGIZEK, of the Latin American Federation of Associations of Relatives of Disappeared Detainees, said that for over 26 years, the United Nations had appealed, year after year, for respect for the rights of the people of Western Sahara to self-determination and independence. With the complaisance of some and the complicity of others, Spain and then Morocco had declined their responsibility with respect to Western Sahara. Elsewhere, a nation of more than 25 million people and their country, the Kurds of Kurdistan, had seen no steps taken to assure their right of self-determination. The States colonizing Kurdistan had shown no intention of solving the Kurdish problem according to the internationally accepted rights of individuals and peoples. It was urgent that the international community condemn the genocide of the Kurdish people. The Kurdish people's right to self-determination should constitute a central point in a future peace conference on the Middle East.

ANTONIO GONZALES, of the International Indian Treaty Council, stated that the indigenous people of the world had been denied their right of self-determination for 500 years. The Council was very concerned that the present Middle East war in which the United States was carrying out a policy of the indiscriminate taking of the life of innocent civilians would be used to justify an acceleration of the attack on Indian lands and resources within the United States and "further deny our rights to self-determination". Already legislative bills to open up a wildlife refugee in Alaska for oil development had been revived using the war as an excuse. Such a development would destroy the way of life of the Gwitch'in Athasbascan people. Iraq had illegally invaded Kuwait, but the United States also illegally invaded Hawaii. The Hawaiian native peoples had never given up their pursuit for justice since the invasion of their island and the subsequent supposed ceding of the Hawaiian lands to the United States Government in 1893.

Canada had over-reacted in handling the case of the Mohawk indigenous nation, near the small community of Oka, Quebec, he said. Canada, which sent nearly 800 soldiers to the Gulf, mobilized over 3,000 troops to "quell the natives" in Quebec. The Sahrawi people also had been fighting for their right to self-determination and independence. Despite the international community's appeal for negotiation between Morocco and the Popular Front for the Liberation of Saguia el-Hamra and Rio de Oro (POLISARIO) to achieve peace, Morocco still refused to implement the United Nations peace plan, thus continuing to reject the resolutions. In Sri Lanka, the human rights situation was deteriorating with the deaths of over 6,000 Tamil civilians, and more than 200,000 refugees.

RENEE BRIDEL, of the International Association of Democratic Lawyers, said the holding of an international conference on the Middle East could permit the restoration of lasting peace in the region pending the creation of

a Palestinian state. The Security Council should take measures to protect people and goods in Palestine, such as the creation of a Council of the United Nations for the Palestinians. Such a council could play a protective role in accordance with article 11 of the Fourth Geneva Convention. The council should also ensure the application of resolutions by Israel.

Rights of Reply

WISBER LOEIS (Indonesia) affirmed that Indonesia supported dialogue and was willing to permit any delegation to visit East Timor to verify the situation there. In fact, Indonesia had invited a United Nations team along with a Portuguese team to visit the region to gain a first-hand view of the situation. Portugal had refused to admit responsibility for its past colonial mishandling of the affairs of East Timor. As one Portuguese newspaper had admitted, Portugal had abandoned the East Timoreans to their own fate, and were partly responsible for the death of some 100,000 people there. By its own free choice East Timor had become an integral part of Indonesia in July 1976. It was misleading to compare the situation in Indonesia with that in Iraq, as some delegates had tried to do. The problem began with Portuguese misrule and mismanagement of the affairs of East Timor.

OLGA SPASIC (Yugoslavia) dismissed allegations regarding the Albanians in Yugoslavia as groundless and untrue. In Yugoslavia there were numerous Albanian communities which enjoyed all the human rights available to all the other citizens of the country. There were problems in Kosovo and Metohija where the majority of Albanians lived. But the source of those problems was the separatist movement which had as its main aim to proclaim a separate Kosovo republic. Yugoslavia would not allow that terrorist movement to reach its goal.

KATSUMI SEZAKI (Japan) said the Iraqi representative had declared that Japan was applying a double standard in its approach to the situation in the Gulf. In a letter to President Saddam Hussein, the Japanese Prime Minister had reiterated that Iraq's compliance with the series of Security Council resolutions was indispensable for the peaceful solution of the Gulf crisis. Japan, given its history of co-operation with Iraq for its development, was concerned that a fate similar to the one it had suffered in the past might befall Iraq, and believed that the only action that could avert such consequences was Iraq's decision to withdraw from Kuwait. Japan had no option but to condemn the Iraqi invasion of Kuwait and to reiterate its appeal to the Government of Iraq to withdraw unconditionally and totally.

ABDUL AL-KADHI (Iraq), replying to the Parliamentary Under-Secretary of State for Foreign Affairs of the United Kingdom, said that country was in no position to speak of human rights since it was responsible for the implantation of Israel and the setting up of apartheid in South Africa. Iraq knew it would pay dearly in the war, but the sacrifice was necessary for the cause of the liberty of peoples. With reference to the statement by Japan, the delegate declared that peace proposals had come up against the refusal of the United States.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/206
6 February 1991

HUMAN RIGHTS COMMISSION CONSIDERS APARTHEID, RACIAL DISCRIMINATION; CONCLUDES CONSIDERATION OF VIOLATIONS IN OCCUPIED TERRITORIES, SELF-DETERMINATION

GENEVA, 5 February (UN Information Service) -- The Commission on Human Rights concluded this afternoon its debate on the question of violation of human rights in the occupied Arab territories, including Palestine, and on the right of peoples to self-determination. The main human rights body of the United Nations, meeting for its forty-seventh session, then took up consideration of the items of its agenda dealing with apartheid and racial discrimination.

Introducing the four items for consideration, the Under-Secretary-General for Human Rights, Jan Martenson, said the Commission could justly derive satisfaction from its record in the fight against racial discrimination.

The delegates of Syria, Kuwait, Portugal, the United Kingdom, Thailand, Indonesia and Portugal replied to statements made earlier today.

Taking part in the debate on apartheid and racial discrimination were the representatives of Ghana, Peru, China, Argentina, Bangladesh, Nigeria and Kuwait. Representatives of the Pan Africanist Congress of Azania (PAC), Amnesty International, the International Confederation of Free Trade Unions and the International Federation of Human Rights also made statements. Ethiopia exercised its right of reply.

Introduction of Items on Apartheid and Racial Discrimination

JAN MARTENSON, Under-Secretary-General for Human Rights, said the items on the Commission's agenda touched on one of the central issues before the United Nations: the elimination of racial discrimination. He said the Commission could justly derive satisfaction from its record as the initiator and supervisor of many of the measures and instruments which had become some of the most effective arms in the fight against discrimination.

Mr. Martenson welcomed the recent announcement by South Africa's President F.W. de Klerk that the legal basis for the system of apartheid was to be largely repealed. He added, however, that other measures must be taken

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For information media—not an official record

Adverse Consequences for Human Rights of Assistance Given to South Africa

This item has been considered by the Commission since its thirtieth session in 1974. The item has also been regularly considered by the General Assembly and the Sub-Commission on Prevention of Discrimination and Protection of Minorities. Upon the recommendation of the Commission in its resolution 1990/23, the Economic and Social Council, by its resolution 1990/34 of 25 May 1990, invited Special Rapporteur Ahmed Khalifa to continue to update his report containing a list of banks, transnational corporations and other organizations assisting the apartheid regime, and to submit the report to the Sub-Commission at its forty-second session and to the Commission at its forty-seventh session.

At its forty-second session, the Sub-Commission had before it the updated report of the Special Rapporteur and adopted resolution 1990/3, by which it recommended, through the Commission, that the Economic and Social Council should invite the Special Rapporteur to continue to update his list. At this session, the Commission will have before it the updated report by the Special Rapporteur (document E/CN.4/Sub.2/1990/13 and Add.1).

Implementation of Convention on Suppression and Punishment of Apartheid

The International Convention on the Suppression and Punishment of the Crime of Apartheid was adopted and opened for signature and ratification on 30 November 1973 by General Assembly resolution 3068 (XXVIII). It entered into force on 18 July 1976. In 1980, the Commission decided, by resolution 12 (XXXVI), to maintain this question on its agenda as a standing item.

Last year, the Commission adopted resolution 1990/12, in which it requested the Group of Three to continue to examine the responsibility of transnational corporations for the continued existence of the system of apartheid, including legal action that might be taken under the Convention against transnational corporations whose operations in South Africa come under the crime of apartheid, and to report to the Commission on Human Rights at this session, and decided that the Group of Three should meet before the forty-seventh session to consider the reports submitted by States parties in accordance with article VII of the Convention. This decision was endorsed by the Economic and Social Council.

The Commission will have before it: a note by the Secretary-General concerning the status of the Convention and the submission of reports by States parties (document E/CN.4/1991/40); reports received from States parties (document E/CN.4/1991/40 and addenda); views and information submitted by States parties, specialized agencies and non-governmental organizations, in accordance with resolution 1990/12 (document E/CN.4/1991/41 and addenda); and the report of the Group of Three (document E/CN.4/1991/42). This report was introduced by Narcisa Escaler, the Group's Chairman/Rapporteur.

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Implementation of Action Programme for Second Anti-Racism Decade

In resolution 1990/13 adopted at its forty-sixth session, the Commission requested the Secretary-General to inform the Commission of the measures taken, pursuant to General Assembly resolution 42/47, to ensure the inclusion in the biennia 1990-1991 and 1992-1993 of sufficient resources to provide for implementation of the activities of the Second Decade for Action to Combat Racism and Racial Discrimination (1983-1993); and to inform the Commission annually of the progress made in carrying out the plan of activities for 1992-1993 so that the Commission could make its contribution thereto, and requested the Secretary-General to organize in 1990 a meeting of representatives of national institutions and organizations promoting tolerance and harmony and combating racism and racial discrimination with a view to exchanging experiences on the promotion of such objectives. The Economic and Social Council, in its decision 1990/224, endorsed this action.

At its first regular session of 1990, the Economic and Social Council adopted resolution 1990/49 on the subject matter, in which it invited the Secretary-General to continue with the implementation of the activities for the period 1990-1993 and requested him, in that context, to continue to accord the highest priority to measures to combat apartheid. The Council also requested the Secretary-General, in his reports, to continue to pay special attention to the situation of migrant workers and their families.

Pursuant to Commission resolution 1987/12, the Secretary-General organized a seminar on political, historical, economic, social and cultural factors contributing to racism, racial discrimination and apartheid, which took place from 10 to 14 December 1990, at Geneva. A report from the seminar will be before the Commission.

The Commission will also have before it the report of the Secretary-General on the implementation of the Programme of Action for the Second Decade (document E/CN.4/1991/43); and the annual reports on racial discrimination submitted by the International Labour Organisation (document E/CN.4/1991/44) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) (document E/CN.4/1991/45).

Statements in Debate

KOJO AMOO-GOTTFRIED (Ghana) stated that South African President F.W. de Klerk's remarks of last year were indeed cause for celebration. However, "the situation on the ground had not changed much over the past 12 months". Reports had emanated from South Africa which indicated that the police continued to enjoy considerable power; acts of violence were being committed with their complicity. The police were not impartial. South African children had continued to be subjected to various harassments whenever they protested discrimination. While various countries had reduced their trade with South Africa, some countries in the Far East and Europe had stepped into the breach. All states whose transnational corporations continued to do business with South Africa should take appropriate measures to terminate such links. He cautioned the international community against euphoria regarding the South

African régime's announcements of 1 February (announced initiatives towards eradication of apartheid). Only the maintenance of international pressure on South Africa could create an atmosphere conducive to peaceful political change there.

OSWALDO DE RIVERO (Peru) reminded the Commission that Peru was a founding member of the Ad Hoc Committee on apartheid and had played an active part in all international conferences and activities against apartheid. Peru had never despaired when their efforts seemed to fail. Everything had indicated that the white minority of South Africa had come to look at apartheid as a natural way of life. That was now changing and there had been developments that none had foreseen, such as the liberation of Nelson Mandela and the recognition of black political parties. Recently, President De Klerk had promised the abolition of the Land Act, which divided territories in South Africa. Further steps, such as universal suffrage, the release of political prisoners and the return of exiles, needed to be taken. There was still a long way to go.

ZHAN DAODE (China) noted the progress in the international community's efforts against the racist apartheid regime. He also welcomed the representative of Namibia. Yet, the fact remained, he said, that black people in South Africa lived under an evil system, and the struggle of the international community against racism was far from achieving its goal. There had recently been positive developments, but the South African authorities had not yet abolished the fundamental legal basis for apartheid. In light of that fact, the international community should not slacken its efforts and should actually step up its support and assistance to the national liberation movements and front-line countries while continuing sanctions until the racist apartheid system was abolished.

ZELMIRA REGAZZOLI (Argentina) said Argentina had left last year's deliberations with some hope and had celebrated the freedom of Nelson Mandela. Moreover, there were now further signs of a positive trend in South Africa. However, there were still things to be concerned about in South Africa, such as the treatment of children and teenagers systematically subjected to torture and harassment. Apartheid was an unacceptable aggression against the conscience of mankind which must be totally eradicated. Argentina hoped there would soon be a free and pluralistic society in South Africa.

HARUN-UR-RASHID (Bangladesh) said the world had entered into a new and unchartered phase where it was necessary to avoid chaos and to ensure respect for human rights. The report of the Group of Three highlighted the nature of the exploitation of the resources and people of South Africa. Until progress towards the elimination of apartheid was found to be irreversible, the strict maintenance of sanctions was necessary.

EMEKA AZIKIWE (Nigeria) said the fact that apartheid had been on the agenda for over four and a half decades and still remained unresolved was a telling criticism on the collective will, the ability and the effectiveness of the United Nations to deal with institutionalized racism. Although apartheid remained in place, positive, encouraging and significant developments were

taking place. Nigeria welcomed the recent announcement by President De Klerk and commended his courage and initiative. However, the recent changes and development had not yet put South Africa on the path of irreversible change for the elimination of apartheid. Sanctions should be maintained, as facts had shown that it was primarily the threat of their use coupled with the active resistance of the people which had constrained the Government on to the path of change.

MOTSOKO PHEKO, of the Pan Africanist Congress of Azania (PAC), said PAC genuinely believed in democracy and that the future of the black population in South Africa must be decided by the genuine and duly elected representatives of all the people in the country. Only such representatives could determine the nature and content of a new constitution. Whites, who constituted 13 per cent of the population, controlled 80 per cent of South Africa's wealth, and only by redressing that economic imbalance could apartheid be dismantled. Because of that imbalance, the indigenous African majority suffered poverty, disease, a high child mortality rate and a short life expectancy. South Africa was a country that had never been decolonized. The price of liberty was eternal vigilance. Despite the sensationalist announcements of the South African Government last year, no fundamental change had taken place, while the killings of Africans on a genocidal scale continued. F.W. de Klerk's recently stated intentions had to be translated into deeds.

SALAH AL-OTHMAN (Kuwait) said that in spite of the Gulf crisis and as a result of the suffering it was undergoing, Kuwait had become more determined to criticize injustices wherever they occurred. The extensive powers given to the South African police had led to human rights violations in various forms. The violence in Natal was also deplorable. The Government of South Africa flagrantly violated and continued to violate basic human rights despite the slow and small changes. For instance, only white people were entitled to good hospital care even though hospitals had been desegregated.

BACRE NDIAYE, of Amnesty International, referred to a number of actions taken during 1990 by South Africa such as the release of prisoners and a dramatic decline in executions from more than 100 a year to only one in 1990. However, serious human rights violations still occurred. Insufficient action had been taken to prevent assault and torture of detainees, and some had died as a result. The Government of South Africa should publicly and unequivocally affirm that torture and ill-treatment of prisoners would not be tolerated. The South African Government still faced major challenges this year, such as taking concrete measures to make security forces accountable for their actions thereby helping establish the rule of law in South Africa. In 1990 the security forces held more than 1,500 people incommunicado and without charge. During the violence in the black townships in 1990, the police were accused of complicity in the acts of violence carried out mostly against members and supporters of the African National Congress of South Africa (ANC).

GUY RYDER, of the International Confederation of Free Trade Unions, welcomed the recent measures announced by the South African Government. However, the effects of racist legislation would endure even after its formal abolition. One example of such legislation was the Internal Security Act,

which conferred wide powers upon the Government and the security apparatus, and posed a pervasive threat to basic trade union rights. Moreover, in a situation wherein political rights remained solely in the hands of the white majority, the objective of one-person, one-vote had still to be won. International sanctions must be maintained and the international community must not act hastily to lift them. It was disappointing that the South African Government refused to remove restrictive provisions of the amended Labour Relations Act. Despite that, trade unions continued to grow in South Africa.

CHRISTIAN GROSSE, of the International Federation of Human Rights, stated that violence in South Africa had claimed a large number of victims. The Federation was particularly concerned by the role played by the police in the incidents of ethnic violence. The South African Government should exercise true control over the police in order to secure its impartiality. A police mediator and mixed enquiry commissions should be created to monitor administrative procedures against the police. Other measures could include the closure of workers' camps, the disarmament of township residents and the creation of a sufficient number of patrols.

Rights of Reply

NABILA CHAALAN (Syria), replying to the International League for the Rights and Liberation of Peoples, asserted that everyone in Syria enjoyed equal rights under the Syrian Constitution. That included Syrian Kurdish citizens.

Mr. AL-OTHMAN (Kuwait) said Iraq could not refute the historical facts that Kuwait had presented. There was a flagrant contradiction between what the Iraqi President had said before the invasion when he gave the Emir of Kuwait the highest order of Iraq and what the Iraqi representative was now saying in the Commission.

LUIS ROMA DE ALBUQUERQUE (Portugal) voiced disappointment at Indonesia's comments. He saw in them an avoidance of the issues. Portugal was committed to a process of decolonization. The right of self-determination by the Timorese was denied by Indonesia. And he called for true and honest consultation with the people.

HENRY STEELE (United Kingdom) said Iraq had used a somewhat idiosyncratic view of historical facts. There were two questions: how had Iraq acted in Kuwait with respect to human rights, and further, how had the Iraqi regime adhered to human rights standards inside its own country? The facts spoke for themselves.

KRIENCSAK DEESRISUK (Thailand) responded to the International Federation of Terre des Hommes's comments regarding displaced Cambodians in Thailand. He said various United Nations agencies and non-governmental organizations had helped, along with Cambodian officials, 310,000 persons. The aid involved many valuable social facilities. However, now that the United Nations Border Relief Operations' budget had been cut, some of the activities stood to be

discontinued. Refugees could choose in which camp they wish to be housed. Thailand intended to co-operate fully with the United Nations High Commissioner for Refugees (UNHCR). Regarding the fate of the O'Troa camp, he said that facility would not be closed.

RAHARDJO JAMTOMO (Indonesia), again in right of reply, stated that the position of his delegation had always been clear. He asked the Commission to refer to previous statements made by his country.

Mr. ROMA DE ALBUQUERQUE (Portugal) made a second right of reply to request Indonesia to consult fully with the East Timorese to investigate their destiny and thus comply with United Nations policy

KONGIT SINEGIORGIS (Ethiopia) refuted allegations of three non-governmental organizations. Those organizations sought to tarnish the image of Ethiopia under the pretext of defending the right to self-determination. They were in the service of the "terrorist" secessionists who had shown intransigence in the face of the peace efforts Ethiopia had made.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/207
6 February 1991

COMMISSION ON HUMAN RIGHTS HEARS FURTHER STATEMENTS ON APARTHEID

GENEVA, 6 February (UN Information Service) -- The Commission on Human Rights this morning continued its debate on violations of human rights in southern Africa and the fight against racism and racial discrimination.

Taking part in the debate this morning were the representatives of Mexico, Hungary, Egypt, Venezuela, Burundi and Canada. A representative of the Minority Rights Group also made a statement.

(For more information on the items being discussed by the Commission, see Press Release HR/CN/206.)

Statements in Debate

CLAUDE HELLER (Mexico) reiterated his country's commitment to the eradication of apartheid. Despite the release of Nelson Mandela and the unbanning of many political organizations, the repressive methods of the State continued to be used against the population. It was hoped that the positive measures recently announced by President F.W. de Klerk would be translated into action. The growth of exports to South Africa from countries in the Far East and Europe had considerably reduced the effect of sanctions, as concluded by the Special Rapporteur on assistance given to South Africa. In contrast, the Group of Three [Nigeria, Panama and the Ukraine, States parties designated by the Human Rights Commission Chairman to monitor the International Convention on the Suppression and Punishment of the Crime of Apartheid] reported that all the States parties to the Convention had agreed on the need to maintain sanctions.

MIKLOS ENDREFFY (Hungary) referred to new outbreaks of violence, extension of the state of emergency and continued human rights violations in South Africa. Freedoms of expression, of association and of education were still restricted. Hungary deplored such restrictions and hoped that, in the context of dismantling apartheid, foreseen in new legislation announced by South Africa's President, antagonism and isolation would give way to engagement and co-operation. The shared goal of the international community was the creation of a united, non-racial and democratic State in South Africa.

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NABIL ELARABY (Egypt) hoped for radical reform in South Africa so that all peoples would enjoy equal rights. President F.W. de Klerk's comments constituted a basis for the end of apartheid but there was still a long way to go. Last year's positive reforms had already encountered several obstacles. For example, the Commission's Working Group of Experts had been unable to carry out a fact-finding mission in South Africa. The Group's report (document E/CN.4/1991/10) noted that violations of human rights and violence persisted, and that the South African authorities were still assisting mercenaries threatening the front-line States. The current situation was still far from the one-person one-vote goal. Continued vigilance was called for, with further international efforts to put an end to the criminal policies of apartheid. More than ever before the economic boycott, which had been shown to be effective, should continue.

HORACIO ARTEAGA (Venezuela) said the recent changes announced by the President of South Africa were encouraging. But announcements would not automatically lead to the eradication of apartheid. The cruel actions against the black population had continued on a daily basis, as pointed out in the report of the Ad Hoc Working Group of Experts. It was, however, undeniable that a positive atmosphere was being developed for negotiation and dialogue. Venezuela would not maintain any consular or commercial links with South Africa until apartheid had been completely dismantled. Until that time, the international community should continue to apply sanctions against the Pretoria régime.

MUYOVU GREGOIRE (Burundi) said apartheid constituted a menace to peace and international security, and its structures were still intact. While Mr. de Klerk's declarations to do away with the three pillars of the system were welcomed, caution should be exercised and sanctions should not be lifted prematurely. He referred to a referendum held in his country yesterday, by which a Charter of Unity that would lead to a new Constitution was adopted. Burundi had shown, through the legislative system of its Third Republic, that it was committed to the universal value of equality under the law, he said. It aimed to educate its youth on the ideal of national unity.

RAYNELL ANDREYCHUK (Canada) said he welcomed the significant measures announced by President de Klerk last Friday. Canada agreed that all parties who wished to shape South Africa's future should participate in the conference recently proposed by the African National Congress (ANC). However, the President's statement overlooked the urgent need for action on political prisoners, exiles and security legislation. Nearly a year after Nelson Mandela was freed, fewer than one quarter of all political prisoners had been released. The human rights of all South Africans must be respected. In addition, some 30 to 40 thousand exiles had their bags packed since last year's historic announcement by the Parliament. Canada had aided the United Nations High Commissioner for Refugees (UNHCR) in completing that project.

Regarding the review of security legislation, he said the President gave no hint of having implemented various formal commitments made six to nine

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months ago. Of particular concern was the Internal Security Act. The South African Government would have to recognize the legitimacy of peaceful mass action as part of the democratic process.

ANNE CHRISTINE BLOCH, of the Minority Rights Group, recalled that throughout the world for many minorities the right to use their mother tongue was unfairly restricted or denied. Fewer than 5 per cent of the world's languages were given official recognition. The remaining 95 per cent did not have official status. Those languages belonged to minority peoples. She went on to say that in Turkey, the minority Kurds, about 20 per cent of the population, could not publish Kurdish literature or broadcast in Kurdish, and all education was given in Turkish. The Minority Rights Group welcomed the recent announcement by the Turkish Government of its intention to repeal existing laws which banned the speaking of Kurdish. In Bulgaria, between 1984 and late 1989, the ethnic Turkish minority faced forced assimilation and loss of their names and language. In parts of North Africa, the Berber-speaking population, perhaps 20 per cent of the total, had long demanded recognition for the Berber language and culture. In South Africa, students had been shot and tortured for demanding an education in their chosen language -- in that case English rather than Afrikaans or Bantu languages.

In conclusion, she recommended the United Nations Educational, Scientific and Cultural Organization (UNESCO) should study the question of the literacy of minorities.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/208
11 February 1991

PRESIDENT OF SUPREME SOVIET OF UKRAINE ADDRESSES HUMAN RIGHTS COMMISSION

Debate Continues on Apartheid, Racial Discrimination

GENEVA, 6 February (UN Information Service) -- Leonid M. Kravchuk, Chairman of the Supreme Soviet of the Ukraine, addressing the Commission this afternoon spoke of the various democratic changes and the new political thinking in his country.

The Commission also continued its debate on violations of human rights in southern Africa and the fight against racism and racial discrimination, with the presentation of the final report of the Ad Hoc Working Group of Experts on Southern Africa.

Participating in this afternoon's meeting were also representatives from Mauritania, Cameroon, Kenya, Sweden and the Soviet Union. A representative of the World Union of Progressive Judaism also made a statement.

Statement by President of Ukraine

LEONID KRAVCHUK, President of the Ukraine, said the problem of human rights was the dominant factor in the progressive development of today's world. It was on that basis that constructive interaction of States, a lower level of confrontation in the ideological and political spheres and, by extension, a lessening of their military face-off could be achieved. Conversely, the disregard for common human values and the trampling of the generally accepted norms and principles of international law had led to military conflicts and imperilled the principal human right to life. That was vividly manifested by the war in the Persian Gulf which had resulted from the aggression against Kuwait. The democratic changes in the Ukraine, he added, as well as throughout the Soviet Union in general, had their origins in the new political thinking that rested on common human values and gave the pride of place to the human being with all his needs an concerns. The neglect of human rights and an excessive emphasis on the class-based, ideological approaches to planning the life of the society were fraught with tragic consequences. The distortions of collectivization and the artificially

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induced famine in the Ukraine in 1932 and 1933 had resulted in millions of deaths.

The longing for democracy, he said, and the desire to ensure human rights and freedoms had become a common concern of all citizens of the Ukraine. The country attached great importance to promoting international humanitarian co-operation that would be free of ideological confrontation and of anyone's claims to possessing an ultimate truth. The Ukraine was actively participating in the work of the relevant bodies of the Human Rights Commission, which were entrusted with the preparation of drafts on protection of the mentally ill, the rights of minorities, and on the right and obligation of citizens, officials and State authorities to promote and defend human rights.

It should be stated frankly, he continued, that the processes of safeguarding human rights in the Ukraine were far from always running very smoothly. The Ukraine had its share of problems, especially those which had their roots in the past. For example, the restoration of the Crimean Tartars, who in the past fell victim to unlawful repressions, to their legitimate rights posed quite difficult problems.

The Ukraine took a positive view of the idea advanced last September at the seminar on human rights, organized in Kiev with the aid of the Centre for Human Rights, to establish centres of human rights documentation and training and was prepared to contribute in very way to setting up such a centre in Kiev. The President also highlighted the Ukraine's adherence to various human rights instruments, and reiterated his country's intention to become a full-fledged member of the Conference on Security and Co-operation in Europe.

Statements in Debate

MOHAMED S.O.M. LEMINE (Mauritania) spoke of the positive changes that had taken place in South Africa, such as the liberation of Nelson Mandela, the lifting of the restriction on political parties and organizations, and the opening of dialogue with the authentic representatives of the black majority. None the less, reports received from investigative bodies such as the special Group of Experts on Southern Africa (document E/CN.4/1990/10) indicated that acts of violence, intimidation and atrocities were still often the daily reality for the majority of South Africans. There could be no compromise: apartheid had to be completely dismantled and replaced by a new egalitarian democratic, non-racial society. International pressure against the regime should not be relaxed until tangible changes had become reality in South Africa. Along with continued international pressure, there was the need to increase support to anti-apartheid groups so that the total elimination of the system of apartheid would soon be a reality.

FRANCOIS-XAVIER NGOUBEYOU (Cameroon) stated that despite recent developments in South Africa, it was impossible not to worry about negative reactions from the country's right and extreme right, which continued to believe in the superiority of one race over another. While it was true that progress had been made and measures taken to satisfy the international community, the report of the Ad Hoc Group of Experts, nevertheless, listed

many human rights violations, which were all the more deplorable in that they had been perpetrated with the complicity of the police and security forces or other whites. Cameroon welcomed the recent meeting between Nelson Mandela and Chief Buthelezi of Inkatha. Cameroon deplored the poverty of the black population and, while agreeing with the report the Group of Three [composed of three States parties designated by the Human Rights Commission Chairman to monitor the International Convention on the Suppression and Punishment of the Crime of Apartheid] which stated that the activities of multinational companies did not improve the critical socio-cultural situation in South Africa, it felt, none the less, that those companies would play a positive role in a new South African society.

THOMAS A. OGADA (Kenya) stated that despite the recent announcements from President F.W. de Klerk there was still reason for concern about the situation of the black population of South Africa. There was a lack of impartial intervention in containing violent situations, and arbitrary shootings during peaceful demonstrations still occurred. The Government of South Africa must take further actions, such as initiating talks towards a new constitution, dismantling the bantustans and offering universal and quality education for black South Africans among others. The legal abolition of the Land Acts of 1913 and 1936, as well as providing the possibility for Africans to acquire land in proportion to their numbers, was also necessary. It was distressing to read about assaults, detention, torture and violence to children and their continued subjection to harassment. As far as detention without trial was concerned, there were no special provisions for children, detention was in effect imprisonment. Proceedings against former political prisoners should be halted, those under arrest or detention released, with a view to restoring peace and confidence so as to facilitate the advent of a new, unitary democratic and non-racial South Africa.

LENA MIROW (Sweden), speaking on behalf of the five Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), said the South African Government had shown that it was committed to the abolition of apartheid. What had been demanded of that Government for years was actually happening: Nelson Mandela and other political prisoners had been released and political organizations had been unbanned. The Government had pledged to negotiate a new constitution which would give all South Africans full rights in every sphere of life. The international community must continue to exert pressure on those who wished to turn the clock back, and continue to exert pressure on those who wished to turn the clock back, and continue to support the process of change. Today, one could reasonably hope that black South Africans would soon gain their political rights. The next challenge would be to ensure their social and economic rights. Clearly, support and solidarity from the international community would be needed in the future as well.

FELIX ERMACORA, expert from Austria, introducing the report of the Ad Hoc Working Group of Experts on Southern Africa (document E/CN.4/1991/10), said the Group, of which he was part, had unsuccessfully requested the South African Government's permission to visit the country. Since the historic announcement of the release of Nelson Mandela on 2 February 1990, there had been quite a few positive developments. Those included the non-renewal of the

state of emergency, and the lifting of the state of emergency in Natal. However, the state of emergency in the so-called "homeland" of Bophuthatswana had not yet been lifted. While he welcomed the repeal of segregation laws in public places, other barriers had been put up. Those included high entrance fees and physical intimidation. The situation of farm workers was the cause of particular concern. Those workers were labouring under distressingly unsatisfactory conditions, for very low wages. Some exiles, such as Mac Maharaj, who was a high-ranking member of the African National Congress of South Africa (ANC), had been arrested upon their return to South Africa, despite being covered by a legal indemnity. The activities of the extreme right-wing groups, and their links to the police and the military, were particularly disturbing. Thus, even after the institutionalized structure of apartheid was dismantled, safeguarding human rights for the people of South Africa would remain a challenge.

NIKOLAI KHLESTOV (Soviet Union) said racism, discrimination and apartheid were constant threats to international security and had for a long time been a focal point of the international community and the United Nations. Consistent clashes and violence in South Africa continued. The system of apartheid continued to be based on the false notion of supremacy of one race over another. Ensuring the adherence to the norms of human rights would help establish equality in South Africa on which a just society could be built. The international community must be vigilant. Apartheid must not be reborn in a new form. The work of the Commission was now beginning to bear fruit. An example of that was Namibia, which had now finally gained freedom. It was noteworthy that recent statements from South African authorities pointed towards the building of a new society founded on the International Bill of Human Rights. That was hopeful and much welcomed by the Soviet Union.

DAVID LITTMAN, of the World Union for Progressive Judaism, stated that on 1 February, President De Klerk of South Africa had announced the introduction of government legislation to eliminate the cornerstones of apartheid. Regarding the question of economic sanctions and the need for economic development in the future, it was very difficult to understand Nelson Mandela's recent declaration where, on the one hand, he had emphasized the need for economic growth and foreign investment and, on the other, insisted on the maintenance of sanctions. The Commission last year had only made one reference in its resolution concerning South Africa to President De Klerk's historic message. In those resolutions, the Commission had reaffirmed its position regarding sanctions, showing inability to adapt to "new thinking". If the new South Africa was to be peaceful and prosperous and to remain viable, sustained growth was essential, otherwise, it would join the ranks of the third world countries throughout the African continent.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/209
11 February 1991

HUMAN RIGHTS COMMISSION CONTINUES DEBATE ON APARTHEID, RACIAL DISCRIMINATION

GENEVA, 7 February (UN Information Service) -- The Commission on Human Rights this morning continued consideration of agenda items dealing with apartheid and racial discrimination.

Making statements were the representatives from Brazil, the Ukraine, Ethiopia, Austria, France, Japan, Iraq, Czechoslovakia, Senegal, the United States and Indonesia.

This afternoon there will be a meeting of the Commission's open-ended working group on the drafting of a declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities. The Commission established this informal working group to draft a declaration on the basis of a text proposed by Yugoslavia.

Statements in Debate

RUBENS RICUPERO (Brazil) commented on the release in South Africa of a number of political prisoners, including Nelson Mandela, and the lifting of the ban on the African National Congress of South Africa (ANC) and other political organizations in South Africa. Those events, he said, as well as the talks that ensued between the Government and ANC in May and August 1990, were all signs of progress. President F.W. de Klerk had committed himself to introducing legislation for the dismantling of apartheid's legal foundations. His recent address was further evidence of progress. He hoped the Government's declared intention of repealing the Land Acts of 1913 and 1936, the Group Area Act of 1966 and the Development of Black Communities Act of 1984 would be promptly realized. There were, however, continuing human rights violations, such as the abuses by security forces. But racial discrimination could take many forms, as demonstrated by the outbursts of xenophobia, discrimination against migrant workers and ever more stringent restrictions in those countries whose societies had until now been ethnically homogeneous. Those new forms of discrimination deserved a proper place in the international debate on human rights, and could not be overlooked during the implementation of the activities of the Second Decade for Action to Combat Racism and Racial Discrimination (1983-1993).

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ALEXANDRE KOUPTCHICHINE (Ukraine) reiterated his country's solidarity with the people of South Africa in their struggle towards the construction of a non-racist democratic State. The transition to a democratic society should be without violence, and all negotiations to settle differences should be in accordance to the principles of international law, he said. Without the total elimination of apartheid, there could be no peace and security in that region. Although the Government of Pretoria had demonstrated its willingness to eliminate its racial system, it continued its mass repression on racial grounds. Since 1984, 50,000 persons had been arrested and 100 children were still held in prisons. The discriminatory legislation that curtailed the electoral rights of blacks still applied. The Pretoria Government should implement United Nations resolutions so as to evolve into a non-racial democratic State. The relaxation of sanctions by some States at this early stage was worrying.

NEGASH KEBRET (Ethiopia) said his country had pursued a policy of combating racial discrimination in all its forms and wherever it was practised. It had participated actively in the defence of human rights, domestically by adopting appropriate legislative, judicial and administrative measures, and globally by ratifying or acceding to principal instruments dealing with the struggle against racism, racial discrimination and apartheid. Ethiopia had always stood firmly by the peoples of southern Africa in their struggle against apartheid. Ethiopia, together with Liberia, had brought the case of Namibia to the International Court of Justice. South Africa was accused of failing to carry out its duties as mandated Power, of violating of human rights in Namibia and of impeding the progress towards self-determination of its people.

FELIX ERMACORA (Austria) said the positive events which had taken place in South Africa gave hope, for the first time, for the total dismantling of the apartheid system. However, many political prisoners remained in jail, and the majority of exiles were still waiting to return to the country. Nevertheless, of special importance was the beginning of a dialogue between the Government and ANC, which had yielded results not only in substance but also in creating communication structures for which there was a need. The policies of racial domination and segregation had led to a highly fragmented social system where the lack of communication systematically prevented conciliation of conflicts and rendered the emergence of a political culture of tolerance and mutual understanding more difficult. It was incumbent on the Government to restore and maintain order and security for all citizens. Austria supported efforts leading to negotiations on a new constitution, with the participation of all political forces.

PAUL BOUCHET (France) said the victims of racism in France remained overwhelmingly people of Maghrebian origin, whether French citizens or not. There were significant difficulties in cohabitation and a lack of cultural tolerance. The manifestation of xenophobia posed a serious threat to social peace in the country, and it was feared that the situation in the Gulf would aggravate the problem. It was clear that the Government would need to continue its efforts to foster better integration of foreigners into French society. Anti-Semitism in France was demonstrated by the desecration of

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Jewish tombs in a cemetary at Carpentras last year. A law promulgated on 13 July 1990 was significant in the struggle against racism. The law reinforced the punishment for racism, created a new type of infraction and gave more support to associations engaged in the struggle against racism.

KATSUMI SEZAKI (Japan) welcomed the announcements made earlier this month by President De Klerk and expressed his belief that the repeal of discriminatory laws, when completely implemented, would destroy the remaining pillars of apartheid. The Government of Japan looked forward to seeing the establishment of a non-racial democratic society in South Africa. Japan welcomed also the outcome of the meeting between Nelson Mandela and Inkatha leader Mongosuthu Buthelezi on 29 January. However, the cases of violation of the human rights of children in detention, reported by the Ad Hoc Working Group on Southern Africa, were worrying, and he hoped the recent political changes would bring an end to the deplorable situation affecting children in South Africa. The discussions on the present items should be undertaken in the constructive and co-operative manner warranted by the changes occurring in South Africa.

NASIR MAHMOUD MADHOUR (Iraq) said the international community had not decisively punished the South African regime. There was important international dissent in firmly implementing sanctions, notably from transnational corporations and the British Government. There was an infamous link between Israel and South Africa in the field of nuclear co-operation. It was curious that countries which were so eager to boycott Iraq had not been as forthcoming in imposing sanctions against South Africa. Iraq wholeheartedly supported the struggle of the South African people in their just cause through such groups as ANC and the Pan Africanist Congress of Azania (PAC). The black majority in South Africa was still denied access to public buildings and institutions. International sanctions and the international boycott must continue against the Government in Pretoria until apartheid was abolished and all the people of South Africa lived in a non-racial society.

ZDENSK PAGAC (Czechoslovakia) said racism was alien to his society. However, the issue at times caused trouble for Czechoslovak authorities. Manifestations of open racial intolerance were registered last year with regard to Gypsies and Vietnamese migrants. The implementation of the International Convention on the Elimination of All Forms of Racial Discrimination had been hampered due to the unwillingness of certain States parties to fulfil their financial obligations. As to the changing atmosphere in South Africa, Czechoslovakia welcomed the important steps taken by the Government to meet the demands of the international community. It was incontestable that the decisive measures of sanctions adopted by the international community had contributed to the dismantling of apartheid.

ALIOUNE SENE (Senegal) said the repression of students and trade unions, and the censorship imposed on South African and foreign journalists continued as did detention without trial of political prisoners. Cases of torture and maltreatment of prisoners, in particular children, had increased. It was therefore essential that the international community maintain sanctions until the three pillars of apartheid -- the Group Areas Act, the Population

Registration Act and the Land Act -- were dismantled. It was clear that changes had taken place, such as the release of Nelson Mandela and other political prisoners, as well as the unbanning of 30 political organizations. Also important were the abrogation of the Separate Amenities Act and the lifting of the state of emergency. The meeting between Nelson Mandela and Chief Buthelezi was most significant, since peace between black groups was the only means to put an end to white supremacy and apartheid. The international community should not be unduly hasty in lifting sanctions against South Africa. Words needed to be concretized into affirmative action. The dialogue between the Government and the black community must be pursued, and all forms of discrimination in the areas of education, health care and political participation should be ended.

J. KENNETH BLACKWELL (United States) said his country was convinced that apartheid must be totally dismantled and that injustice in South Africa could only be redressed through the achievement of non-racial democracy. Apartheid was an affront to the basic principles of economic, political and legal equality. There had been many notable positive developments, such as the release of Nelson Mandela and other political prisoners, the return of many exiles and the recognition of political organizations that had been banned for years. The ANC's suspension of armed struggle and the steps taken by the South African Government to re-establish public order in the wake of communal violence in many parts of the country were to be commended, as was the meeting last week between Mr. Mandela and Chief Buthelezi. The United States was committed to supporting a process that would encourage South Africa to continue making changes that would lead to the complete abolition of apartheid, a goal that was still some time away. It also hoped the Commission would be able to take as dramatic a step as the South African Government and adopt a resolution that would reflect the political situation in that country.

WISBER LOBIS (Indonesia) declared that apartheid was not merely a type of racial discrimination, but a clear picture of the worst face of colonialism. Apartheid was detrimental to the aims set out in the Charter and in the Universal Declaration of Human Rights. The Under-Secretary-General for Human Rights, Jan Martenson, had rightly stated that "the fight against racism and racial discrimination was at the very foundation of our Organization's work in the field of human rights". Indonesia had taken an active part in international efforts to dismantle apartheid through it work with the other international organizations, and it welcomed the "unbanning" of ANC, PAC and other political parties and organizations, and the release of Nelson Mandela. Indonesia's commitment to supporting the struggle of the South African people to eradicate apartheid was unswerving.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/210
12 February 1991

DEBATE ON APARTHEID, RACISM CONTINUES IN HUMAN RIGHTS COMMISSION

GENEVA, 7 February (UN Information Service) -- The Commission on Human Rights this afternoon continued consideration of apartheid and racial discrimination issues.

Participants welcomed the recent announcement by the South African President that proposals to repeal the so-called "pillars" of apartheid -- the Land Act, the Development of Black Communities Act and the Group Areas Act -- would be tabled during the current session of Parliament. However, they expressed concern about reports of persistent human rights violations, while some cautioned against premature action with regard to sanctions.

Taking part in the debate were the representatives of India, Cuba, the Philippines, Cyprus, Yugoslavia, Australia, Zambia, Morocco, Ethiopia, the Sudan, Tunisia, Libya, Syria, the United Republic of Tanzania, Algeria and Zaire.

Statements in Debate

I.S. CHADHA (India) said the Declaration on Apartheid adopted by the General Assembly in December 1989 had sent a clear signal to Pretoria that the need to eradicate apartheid was internationally recognized. The steps taken by the South African Government, which realized the anachronism of apartheid, were to be commended. However, much remained to be done, especially regarding political prisoners, detainees and restrictive laws. Despite President F.W. de Klerk's good intentions, injustice and inhumanity continued to dominate the day-to-day life of the majority of people in South Africa. State organs had been unable, and sometimes unwilling, to take steps to control the situation. The police and security forces lacked impartiality and opened fire arbitrarily during peaceful demonstrations. The international community must not relax its pressure on South Africa now that success was in sight. Continued vision and caution were required. Racial discrimination had also surfaced in Fiji, where a race-based Constitution had been imposed by an illegal regime. The Suva regime should be persuaded by the international community that its racist policies were unacceptable.

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For information media—not an official record

RAUL ROA (Cuba) said the arrogant attitude of the South African Government could not be explained simply by the nature of the governing caste. Apartheid would not have been possible without the help of capitalist countries and large investments by big corporations. Cuba had no relations with South Africa and saw economic sanctions as a powerful weapon against the apartheid regime. Cuba had taken note of the declaration made by President de Klerk; there was a long way to go before the practices of the last few decades could disappear. As the report of the Ad Hoc Working Group stated, injustice and brutality still dominated the daily life of black South Africans. The report of the Special Rapporteur on Assistance to South Africa had shed light on the continued collaboration which some Western Governments offered to the apartheid regime. Regrettably, racist practices were not confined to one country; they were a part of daily life world-wide. It was satisfying for revolutionary Cubans that the past circumstances which generated discrimination had been eliminated in that country.

PURIFICACION QUISUMBING (Philippines) regretted that despite the seemingly positive developments in South Africa and the pronouncements of President de Klerk, the situation there remained basically unchanged. The evidence presented before the Ad Hoc Working Group of Experts showed that police brutality, torture and ill-treatment, especially of children and adolescents, continued to dominate the day-to-day lives of the majority black South Africans, she said. The continuation of apartheid in South Africa, a crime against humanity, had been the principal cause of instability in the area. The good intention and steadfast campaign of President de Klerk to end apartheid was worth mentioning, as were the August 1990 agreement between the African National Congress of South Africa (ANC) and the Government and the recent meeting between Nelson Mandela and Chief Mangosuthu Buthelezi. However, those countries intending to lift sanctions soon should carefully consider whether the current situation in South Africa warranted such action.

VANIAS MARKIDES (Cyprus) said there was no doubt that, with the historic transition of Namibia to independence and the release of political prisoners, especially that of Nelson Mandela almost a year ago, significant steps had been taken in reducing tensions in southern Africa. It was imperative that the desire expressed by President de Klerk towards seeing the total dismantlement of apartheid was realized. The spirit of conciliation and desire for peace displayed by all the protagonists of the South African scene, particularly by Mr. Mandela and other black leaders, was praiseworthy. However, many important obstacles remained. The South African President had not spoken of a Government in transition or of an assembly elected by universal suffrage. The Population Registration Act, which divided the population of South Africa into four racial groups, should be abolished immediately. The international community must continue its pressures on the Government of South Africa; it was still premature to lift sanctions. Cyprus strongly supported the recommendation of the Ad Hoc Working Group of Experts on Southern Africa to follow up the situation of black farm workers and black children in general.

NASTE CALOVSKI (Yugoslavia) said the efforts of the international community directed towards ending apartheid were bearing fruit. The process

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of change in South Africa was becoming irreversible, and it reflected the sanctions and the pressures applied by the international community. There should be continued insistence on the eradication of apartheid and the establishment of a free, non-racial, democratic South Africa. However, one of the most important measures for change in South Africa was the alteration of its racist Constitution. To that end, negotiations should commence in an atmosphere of trust and as soon as possible. Regretfully, only 88 States were party to the International Convention on the Suppression and Punishment of the Crime of Apartheid, and 35 of those had not submitted any reports on how they were implementing the Convention.

RONALD A. WALKER (Australia) welcomed the new measures announced recently by President de Klerk and said this was a major milestone on the road to the elimination of apartheid. Sadly, human rights abuses persisted in South Africa. Specifically, there had been delays in the repeal of repressive security legislation, the release of political prisoners and the return of exiles. Furthermore, Australia saw a serious problem in the increased level of violence. There was evidence that some elements in the security forces had exploited this situation. There were still obstacles to be removed, legislation to be repealed and negotiations to be held before apartheid could be eradicated. Now that change was in progress, consideration should be undertaken as to how the sanctions regime could be adjusted while further progress was made. In Australia, the process of education was being developed to overcome the ignorance and suspicion which underlay racist attitudes. Australia's Human Rights and Equal Opportunities Commission worked closely with governmental and non-governmental organizations, employer and employee groups and organizations representing Aboriginal people and those from non-English-speaking backgrounds.

ISAIAH CHABALA (Zambia) noted with satisfaction that since the Commission last met, Namibia had won its freedom. This was a victory over apartheid and racial discrimination, and had shown what could be achieved through concerted and co-ordinated international actions, he said. It was also evident that international pressure had contributed significantly to the progress towards the abolition of apartheid in South Africa. Over the past year, sustained sanctions and the policy of isolating the South African regime had reinforced the vigilant efforts and relentless struggle of the oppressed people of South Africa, and compelled the Government to take the measures witnessed so far. Zambia appealed against the lifting of sanctions at the present time.

EL GHALI BENHIMA (Morocco) said recent reforms announced by the South African President were a cause for satisfaction. The proposed repeal of the "pillars" of apartheid were to be commended. However, optimism should be tempered by the report of the Ad Hoc Working Group of Experts, which claimed that the situation was largely unchanged and, in some cases, had even worsened. Recent fratricidal violence had weakened the move for change; thus, the reconciliation of the two groups led by Nelson Mandela and Chief Buthelezi was welcomed. A new constitution should be written to guarantee the rights of all the people of South Africa. The international community and the United Nations had done all they could to make known the practices of the South African regime. This effort should not be given up hastily or prematurely.

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KONGIT SINEGIORGIS (Ethiopia) said that, notwithstanding the Commission's ceaseless efforts to bring an end to the suffering of the people of South Africa, the general human rights situation had not significantly changed. Freedom of expression, organization and movement were still violated. Discrimination in health, education and land use still existed. The agreement between the South African Government and ANC concerning exiles and political prisoners was still not fully implemented. Nevertheless, President de Klerk's announcement was welcomed. This should provide fresh impetus to the process to dismantle apartheid. Such measures must be followed by concrete steps and further reforms. The international community must be cautioned against lifting sanctions early. Pressure should be maintained until the process was irreversible. Recent reports of the involvement of ANC and Inkatha in violent clashes were a cause for concern. However, Nelson Mandela and Chief Buthelezi were to be commended on their recent reconciliation.

OMAR ALIM (Sudan) said his country had to speak out for those who were being maltreated and humiliated. It stood in unison with the black population of South Africa. It was satisfied with the release of Nelson Mandela and welcomed the independence of Namibia. The recent reforms in South Africa should not allow anyone to forget that the complete abolition of apartheid had to be accomplished. The establishment of a society based on equality would be a guarantee for the rights and freedoms of all, regardless of colour, race or creed. The international community must maintain the economic and diplomatic pressure on the apartheid regime.

SOUAD LYAGOUBI-OUAHCHI (Tunisia) said he wished to remind the Commission of two historical dates in southern Africa: 11 February 1990, the date of the release of Nelson Mandela, and 20 March 1990, the date of the independence of Namibia. Those represented a collective victory which had been achieved with heavy sacrifices. The South African Government had announced some fundamental changes in the system of apartheid, but a certain realism dictated prudence and vigilance. The proposed changes should be followed up and expanded before a true dialogue could be established. The partial dismantling of apartheid did not for now justify a change in attitude or a slackening of international pressure. Other reforms were needed, particularly with respect to land, which largely belonged to whites. Apartheid would not truly be abolished until the day when equality between the races was written into the Constitution.

IBRAHIM OMAR (Libya) advocated extreme caution with regard to developments in South Africa. He said the international community should continue to monitor the situation in South Africa until there was proof that apartheid had been completely dismantled. The basic "pillars" of apartheid had not been removed. Torture and brutal treatment persisted. Economic sanctions must be maintained. Libya condemned any country which did not adhere to United Nations resolutions on economic sanctions. The presence of Namibia at this session of the Commission was a true sign of the victory of good over evil.

BASSAM IMADI (Syria) said President de Klerk's recent pronouncements were to be welcomed even though reports and events showed that the basic lot of the black majority remained unchanged. Sanctions should not be lifted "before the

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fruits of the international community's labour had been reaped". Racial discrimination, practised by some States as a policy, must be condemned by the entire international community. All pressures must be brought to bear upon the South African Government. The pressure had, in some cases, been minimal, yet it had been instrumental in changing South African policy. The tragedy of the black majority could only be ended by total elimination of the apartheid regime. All forms of collaboration between the South African Government and other countries, particularly Israel, must end. The collaboration between Israel and South Africa facilitated the racist policies of both countries. The international community should take all measures possible to end this collusion.

AUGUSTINE MAHIGA (United Republic of Tanzania) said the challenge for Mr. de Klerk and the international community was to push his reforms and to transform them into a non-racial democratic new order. While the announced reforms were significant, crucial gaps still needed to be filled. Specifically, the package of reforms did not fully address the problems of political prisoners and exiles. It was hard, therefore, to claim that the Government was ready to release political prisoners while there were laws in force which provided for arbitrary arrest, indefinite detention and banning of public gatherings. The full impact of the repeal of racist laws would be meaningful only when all the other related discriminatory and oppressive laws were also eliminated. The leaders of the liberation movements were to be commended for their statesmanship in forging a united front. Sanctions remained the most effective way of applying international pressure on the South African regime.

HANIA SEMCHI (Algeria) noted with interest a certain willingness by South African leaders towards positive change. This, no matter what ulterior motives might be feared, was, above all, the result of the exemplary fight the black population had carried out in its permanent resistance. At the international level, the actions by the United Nations and the pressure exerted by its Members, international and non-governmental organizations, had contributed to the application of sanctions against South Africa and to a certain isolation of the country. That pressure should be maintained, especially in light of the reports by the Ad Hoc Working Group and Special Rapporteur Khalifa. The conditions present in South Africa were mirrored in the settler colonies and Arab camps established by Israel. Algeria denounced the collusion between Israel and South Africa.

MALIYABWANA KIRONGOZI (Zaire) welcomed the dialogue between ANC and Inkatha, and said he hoped it would lead to the end of the fratricidal fight between their respective groups. The South African Government had shown, by allowing the independence of Namibia, that it was capable of concessions in spite of the threat from conservatives who did their utmost to make reform impossible. Zaire welcomed the direct negotiations between South African leaders and black representatives and hoped the negotiations would result in the speedy dismantling of apartheid. All had a common duty to help President de Klerk take the decisive step to abolish apartheid and install a democratic and multiracial Government. Zaire supported, without reserve, the international initiatives aimed at finding a political solution to the problems in South Africa, but considered that that pressure must continue.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/211
12 February 1991

MINISTER FOR FOREIGN AFFAIRS OF NORWAY ADDRESSES
COMMISSION ON HUMAN RIGHTS

General Debate on Apartheid, Racial Discrimination Ends

GENEVA, 8 February (UN Information Service) -- Thorvald Stoltenberg, Minister for Foreign Affairs of Norway, told the Human Rights Commission this morning that the use of violence against unarmed civilians in the Baltic Republic was seen as a violation of the commitments undertaken by the Soviet Union when it signed the Paris Charter last autumn. He also called on Iraq to comply with the Third and Fourth Geneva Conventions on the conduct of war [concerning, respectively, the treatment of civilians in cases of conflict or occupation and the treatment of prisoners of war].

The Minister spoke to the forty-seventh session of the Commission as it met to conclude the general debate on apartheid and racial discrimination.

Also this morning, the Commission took up the question of the realization of economic, social and cultural rights, as well as the right to development. In addition, the status of the International Covenants on Human Rights and the effective functioning of monitoring bodies established in accordance with United Nations human rights instruments were discussed.

All four agenda items were introduced by Jan Martenson, Under-Secretary-General for Human Rights.

A statement in this morning's meeting was also made by the representative of Luxembourg. And the delegation of Iraq exercised its right of reply.

Further, statements were made by representatives of the World Federation of Trade Unions, the World Union of Progressive Judaism, the International Commission of Jurists, the International Association against Torture, the World Confederation of Labour and the International Federation of Human Rights.

Address by Norwegian Foreign Minister

Mr. STOLTENBERG, Minister for Foreign Affairs of Norway, said the deployment of military force against the democratically elected governments and citizens of Lithuania and Latvia had shattered the hopes raised last

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For information media—not an official record

November when the countries of Europe and North America met in Paris to celebrate the end of the cold war. The world had come to believe that the historic movement towards democracy and the rule of law in Eastern Europe was set on a one-way road. The actions described were seen as clear-cut violations of commitments which the Soviet Union had undertaken in the Conference on Security and Co-operation in Europe (CSCE). The conflict between the Baltic States and Soviet authorities must be solved in a peaceful manner, through negotiations carried out by the Baltic peoples.

In the Gulf region, Mr. Stoltenberg went on to say, peace could only be restored through an Iraqi withdrawal from Kuwait. Iraq's missile attacks against civilian population centres, deliberate massive oil spills and threats of chemical and biological warfare were acts of terror against man and nature. He urged Iraq to rigorously respect all the Geneva Conventions relating to the conduct of war, and to recognize and respect in that connection the special position of the International Committee of the Red Cross (ICRC).

Over the years, he continued, the Commission had brought about a clear understanding of the place of human rights in international affairs. A major challenge before the Commission was to take further steps to make human rights and the principles of free participation in the political, social, economic and cultural spheres an integral part of the development process, and to incorporate those principles in the various United Nations development programmes.

He said the promotion of human rights in general was a major objective of Norwegian development assistance. Norway had set up a special fund to assist countries undergoing transition from repressive regimes. Within the United Nations human rights programme relating to advisory services, technical assistance and training should be conducted with an increased emphasis on securing implementation of universal principles of human rights. The Centre for Human Rights ought to be given the necessary means to carry those efforts further.

Statements in Debate

JULIEN ALEX (Luxembourg), on behalf of the European Economic Community (EEC), welcomed the Namibian delegation to the Commission and said that that event, along with President de Klerk's recent pronouncements, constituted important developments for the future of South Africa. The goal of EEC was the eradication of apartheid. The release of Nelson Mandela and of other political prisoners was to be seen as the first crack in that system. Since then, the South African Government had taken further steps in that direction. The EEC was satisfied at the outcome of the meetings held so far between the Government and the African National Congress of South Africa (ANC); they should facilitate the creation of a new constitution. Similarly, the meeting between Mr. Mandela and Chief Buthelezi was to be welcomed. It was hoped that the South African Government would renounce all repressive measures, liberate political prisoners, permit the return of all exiles and repeal the Internal

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Security Act. Only after further relaxation in repressive laws would EEC ease the measures restricting trade with South Africa adopted in 1986.

DANIEL RETUREAU, of the World Federation of Trade Unions, appreciated the positive developments which had taken place in southern Africa recently. South Africa, however, still held territory that belonged to Namibia, and it had also encouraged atrocities against the peoples of Mozambique and Angola. Furthermore, other problems persisted. Eighty persons still waited in death row; political prisoners languished in jails; repressive laws still existed; violence was provoked and encouraged by State machinery, and exiles were afraid to return. Moreover, labour legislation remained backward and oppressive and marked by bloodshed. For example, the suppression of the recent strike by transport workers had caused 36 deaths. Most essential for the dismantling of apartheid was the exercise by all of the totality of civil, political, economic, social and cultural rights.

DAVID LITTMAN, of the World Union of Progressive Judaism, stated that today, in schools and universities, and in other forums throughout the world, maliciously oriented teachers, and pro-Arab militants -- as well as believers in the reliability of United Nations documentation -- were known to refer to United Nations resolution 3379 as "proof" that zionism equalled racism. The United Nations had, for the past 15 years, been an unwitting accomplice through this resolution to hatred, intolerance and even frequent murders carried out against Jews. What made this complicity all the more terrible to assume for the United Nations was that some of the greatest men and women of the century were convinced Zionists, men such as Henry Dunand, founder of the YMCA and the Red Cross, Albert Einstein, Winston Churchill, Rene Cassin and Andrei Sakharov. It was time for men and women of sensibility to act firmly to rescind the United Nations General Assembly resolution 3379.

REED BRODY, of the International Commission of Jurists (ICJ), reported on his organization's recent mission to Natal Province which "took place in a climate of tension and violence". The mission's report clearly established the responsibility of the security forces in the aggravation of violence perpetrated by rival communities, he said. The South African authorities should increase the number of law enforcement personnel, ban weapons at political meetings and rallies and immediately prosecute known killers still at large. The ICJ had called for a lifting of the state of emergency in Natal. Recent events envisaged measures which could mark the end of the policy of apartheid. The reforms envisaged in the judicial branch were welcomed, but until apartheid was eradicated the international community should not relax the vigilance it had shown.

ROGER WAREHAM, of the International Association against Torture, said that with rare exception, black participation in the electoral process in the United States was low and on the decrease. The political and civil rights of blacks were now under attack by the very courts and legislatures that had so reluctantly granted them. There could be no political equality while racism ran rampant in the economic and social spheres. For black people, racism and poverty had gone hand in hand since their arrival in the Western Hemisphere. Racism was a system absolutely necessary to maintain the maximum benefit for

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whites, he went on to say. It expressed itself in less spectacular ways in the areas of economic, health and criminal justice. For example, in the United States the poverty rates for blacks nationally was three times that of whites. The United States had the world's highest known rate of incarceration, with 426 prisoners per 100,000 population. South Africa was second in the world with a rate of 333 per 100,000.

Particular attention must be paid to the patterns of racism and racial discrimination which resulted in the violation of the economic, social and cultural, as well as political and civil rights of United States residents of African descent. Those patterns as they appeared in other countries of the North also deserved attention.

BLAISE ROBEL, of the World Confederation of Labour, said that almost exactly a year ago, various events occurred which brought black South African people into the streets singing. Unfortunately, their peaceful demonstrations were broken up by police helped by tear gas and dogs. A year later, this example still served to show how the de Klerk government continued to be hostile to reform. Police still had considerable power; detentions without trials were still prevalent and the judiciary was not impartial. The black population was daily the victim of acts of violence. Discrimination and inequality in the workplace persisted. Trade unionists were detained for their activities. In some regards there had been, quite simply, no change. Sanctions remain the most effective measures to bring about change.

CHRISTIAN GROSSE, of the International Federation of Human Rights, said Iraq had demonstrated an "inadmissible" approach with respect to the non-governmental organization, Human Rights Watch. Several witnesses had affirmed that, during a meeting of the United Nations Human Rights Committee, the Iraqi Ambassador had asked what were the political and religious backgrounds of the Human Rights Watch team. The Ambassador accused the non-governmental organization of being religiously directed against certain Arab States; two of the organization's members, as well as its President, were Jewish.

Introductory Statement by Under-Secretary-General for Human Rights

Introducing the items on the realization of economic, social and cultural rights and the right to development, Mr. MARTENSON, Under-Secretary-General for Human rights, underlined the importance of those rights by quoting Secretary-General Javier Perez de Cuellar, who told the Paris Summit of the CSCE last autumn that, "genuine political democracy had little chance to survive, and stability was bound to prove elusive, without social justice".

Regarding the status of the International Covenants on Human Rights, the Under-Secretary-General said that with the International Bill of Human Rights, comprising the Universal Declaration of Human Rights, the two International Covenants and the Optional Protocol, the United Nations had "put into place a true international code of human rights".

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With respect to the functioning of the bodies established pursuant to United Nations human rights instruments, he reported that consolidated guidelines prepared by the Centre for Human Rights to ease the reporting burdens of States that were parties to several of the international human rights instruments had been now approved by all the treaty bodies that monitored the implementation of these instruments.

Question of Background Realization of Economic, Social, Cultural Rights

Since 1975, the Human Rights Commission has examined with high priority the question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on those rights. It studies the special problems which the developing countries face in their efforts to achieve those human rights, including problems relating to: the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and in particular on the implementation of the Declaration on the Right to Development. Popular participation in its various forms as an important factor in the realization of all human rights is also studied.

Last year, the Commission adopted resolution 1990/17 in which it welcomed the efforts made by the Committee on Economic, Social and Cultural Rights to give impetus to the implementation of those rights, as contained in the Covenant. It further welcomed the dialogue between the Committee and the Sub-Commission Special Rapporteur on that question; and invited the Special Rapporteur, when preparing a progress report, to give priority to identifying strategies to promote economic, social and cultural rights, paying particular attention to the most vulnerable and disadvantaged people.

Also at its forty-sixth session, the Commission adopted resolution 1990/24, in which it invited Governments to provide the Special Rapporteur with information about their experience concerning the impact of economic adjustment policies arising from foreign debt on the enjoyment of economic, social and cultural rights. It further requested the Sub-Commission to submit the second report of the Special Rapporteur to the Commission.

In resolution 1990/15, entitled "Human rights and extreme poverty", the Commission requested the Sub-Commission to examine in greater depth the question of extreme poverty and exclusion from society and to carry out a study of that question.

At its forty-second session, the Sub-Commission adopted resolution 1990/16, in which it invited the Commission to consider asking the Secretary-General to organize a seminar under the United Nations programme of human rights activities in 1992-1993 for discussion of appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights. The Sub-Commission also adopted resolution 1990/17, entitled "Human rights dimensions of population transfer, including the implantation of settlers and settlements". On that issue, the Commission will have before it the progress report of the Special Rapporteur (E/CN.4/Sub.2/1990/19).

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Concerning popular participation as an important factor in development and in the full realization of all human rights, the Commission will have before it a study by the Secretary-General (document E/CN.4/1991/11), prepared in accordance with resolution 1990/14.

Background on Realization of Right to Development

The General Assembly in 1986 adopted the Declaration on the Right to Development, which describes development as follows: a comprehensive economic, social, cultural and political process which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and its benefits.

In accordance with Commission resolution 1989/45, endorsed by the Economic and Social Council in decision 1989/41, the Secretary-General organized a global consultation on the right to development which took place from 8 to 12 January 1990, at Geneva. In the Commission's resolution 1990/18, the Secretary-General was asked to transmit the report of the global consultation (E/CN.4/1990/9/Rev.1) to all Governments, United Nations organs, the General Assembly at its special session on international economic co-operation held in April 1990 and other relevant agencies and organizations. That step was taken to obtain comments and proposals for further action aimed at strengthening existing or creating new mechanisms for the promotion and protection of human rights. The Commission further requested the Secretary-General to publish that report and distribute it as widely as possible.

Status of the International Covenants on Human Rights

The International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil Political Rights have been ratified, respectively, by 97 and 92 States. The Optional Protocol on Civil and Political Rights has been ratified by 51 States. Reports on those Covenants (E/C.12/1988/1) and on the Optional Protocol (CCPR/C/2/Rev.2) will be submitted to the Commission by the Secretary-General. The Economic and Social Council in its resolution 1990/45 invited the Commission to consider asking the Secretary-General to devote a seminar, under the United Nations programme of human rights activities for 1991-1993, to the discussion of benchmarks to measure achievements in the progressive realization of the rights recognized in the International Covenant on Economic, Social and Cultural Rights.

Effective Functioning of Monitoring Bodies

The effective functioning of monitoring bodies is being considered by the Commission in accordance with its resolution 1990/21 entitled "Computerization of the work of human rights treaty -- monitoring bodies in relation to reporting systems". And the Commission asked the Secretary-General to report on the resolution's implementation. That report (document E/CN.4/1991/46) is before the Commission. In resolution 45/85 of 1990, entitled "Effective implementation of international instruments on human rights, including

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reporting obligations under international instruments on human rights", the General Assembly endorsed the conclusions and recommendations of the meeting of chairmen of the human rights treaty bodies. The Assembly called upon all States to fulfil, without delay and in full, their financial obligations under the relevant instruments on human rights.

In resolution 1990/25, the Commission requested the Secretary-General to report to the current session on the comments of the treaty bodies. It recommended that the Secretary-General seek the concurrence of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to the establishment of a "contingency reserve fund". The Commission also requested the Secretary-General to convene a meeting of the chairmen of human rights treaty bodies to discuss the range of problems affecting implementation of human rights treaties. The Secretary-General was also invited to prepare an inventory of all international human rights standard-setting activities and to report on the developments regarding logistical and human resources support for the Centre for Human Rights.

Statement by Soviet Representative

YOURI A. RECHETOV (Soviet Union) declared that universal humanitarian values were unconditional. Economic improvement was an illegitimate excuse for the non-observance of human rights. The most economically oppressed, such as the unemployed and the homeless, had to be treated according to internationally acceptable standards. In the Baltic Republics, there was blatant discrimination against non-Baltic people who were not of Baltic origin. There was an important increase in tension due partly to the discriminatory policies of the Baltic governments. Many nationalists were involved in the illegal distribution of arms. Many among those who had dared to speak the truth about the situation in the Baltics had been beaten or shot. The Soviet Union regretted the bloodshed which had occurred in the Baltics and would ensure that the guilty parties were brought to justice. At the same time, there was a need to avoid biased and inflammatory statements in the reporting of conditions there, as that could only increase the already high tension. The problems in the Baltics could only be solved through compromise, dialogue and the genuine desire to find reasonable solutions.

Right of Reply

ABDUL AL-KADHI (Iraq), exercising the right of reply, said that the Minister for Foreign Affairs of Norway had made statements rather like the ones made by those who were bombarding his country: unjust and duplicitous. The Iraqi people had endured 600,000 tons of bombs. Did this barbarism not merit Norway's attention? Many people in Europe and America had denounced the acts of their own Governments in the war.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/212
12 February 1991

HUMAN RIGHTS COMMISSION CONTINUES DEBATE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND RIGHT TO DEVELOPMENT

GENEVA, 8 February (UN Information Service) -- The Commission on Human Rights this afternoon continued consideration of items on the realization of economic, social and cultural rights; the right to development; the status of the International Covenants on Human Rights; and the functioning of the human rights treaty bodies.

Taking part in the debate were the representatives of Australia, Venezuela and Gambia. Also making statements were the representatives of the International Federation of Human Rights, the International Fellowship of Reconciliation, Christian Democratic International, the International Movement Aid-Fourth World and the International League for the Rights and Liberation of Peoples. The representative of Syria spoke in exercise of his right of reply.

Statements in Debate

DAVID STUART (Australia) said it was time to start working towards a unified United Nations approach to the realization of all human rights. That human beings were the central subject, rather than the passive object, of all the United Nations economic and social activities was a common theme of recent studies. Everyone had the right to a long and healthy life, to be educated and to have access to resources needed for a decent standard of living, as well as political freedom, civil rights and personal self-respect. Efforts to foster economic growth and restructure economies should address people's basic needs and focus on the situation of those most vulnerable and disadvantaged. Popular participation and democratic processes were more than goals in themselves; they were essential elements of successful efforts to pursue economic and social objectives. Conceptual and practical difficulties were behind the lack of effective United Nations machinery and procedures in the area of economic, social and cultural rights. One problem had been the resistance to giving an appropriate place to those rights in United Nations debate, particularly during the cold war when they were used in an ideological manner.

HORACIO ARTEAGA (Venezuela) said economic, social and cultural rights were the rights to a decent standard of living. The realization of all human

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rights was hampered by the lack of economic dynamism, particularly in Africa and Latin America. The heavy burden of foreign debt had hindered the development of many countries; extreme poverty and foreign debt were interrelated. The debt had caused the deterioration of health and educational facilities. The realization of economic, social and cultural rights led to national stability and international peace.

BABOUCARR I. JAGNE (Gambia) said the individual could not contribute effectively to the socio-economic development of his country if his full potential was not allowed to develop freely. The best way to encourage greater popular participation was the democratization of the political process. The mere introduction of political pluralism would not transform society overnight from one of poverty to one of prosperity, but at least it would allow people's energies to be released, and that in itself was an achievement.

CHRISTIAN GROSSE, of the International Federation of Human Rights, said he wanted to draw attention to the question of Albanians living in the Kosovo region of Yugoslavia. Those people had been subjected to police violence for many months. This repression also had an economic aspect, as exemplified by the forced integration of the Kosovo economic infrastructure into the Serbian economy. The integration of the electricity-generating capability of Kosovo had resulted in the loss of 185 million Deutsche marks during the first six months of 1990. About 180 Albanian scientists had been kept away from their work at the Kosovo electric site, and 43,000 Albanians had so far lost their jobs.

IRENE WADLOW, of the International Fellowship of Reconciliation, said popular participation was a challenge to the status quo. Every development project, no matter how small or how technical, impacted on the distribution of power. Although in many countries there were unions of agricultural workers, agricultural co-operatives, rural credit unions, or peasant leagues, it was generally true that rural relations had rarely achieved the degree of national power and international status achieved by industrial-worker unions. One reason the rural poor stayed poor was that they were rarely well organized and, hence, were the most easily divided. The economic and political power structure of many countries did not encourage the active participation of small, marginal and landless farmers and rural workers. Non-violent techniques had been used to organize the powerless in rural areas. If measures were not taken to facilitate the peaceful participation of the rural poor, it was likely that they would turn to violence.

CECIL SLESZYNSKA, of Christian Democratic International, said the annual per capita income in many Latin American countries had declined because of foreign debt. The debts of those countries were responsible for that decline, as the national resources had been misused. The capital of many countries was exploited abroad to obtain high interest rates. Such measures hampered national development.

HELENE BEYELER-VON BURG, of the International Movement Aid-Fourth World, said the activities of the Commission gave hope to the families of the

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extremely poor. The situation would unfortunately remain the same for many. Nevertheless, what had changed was the desire to know that reality, how they lived, their sufferings and their hopes. The very poor lived in squatter camps where nobody registered their births or their deaths; they lived in cemeteries; under motorways, where light never entered; in shelters and welfare hotels; in abandoned caverns; in old cars and abandoned houses. It was in those places that the inextricable link between poverty and misery was evident. Ignorance of the plight of the poorest made it difficult to implement suitable programmes to aid them. Her organization was witness to their deep aspirations to be in contact with the world around them.

ALEJANDRO TEITELBAUM, of the League for the Rights and Liberation of Peoples, said Brazil's external debt servicing had increased yearly, affecting the living standard of the people. Among the victims of that economic decline were the indigenous population of the Amazon. That population, 6 million to 7 million at the beginning of the century, had been reduced to 234,000. The decrease was attributed to the fact that their territory was forcibly transformed into agricultural and pastoral fields. In the last few years, the lands of the Yanomani Indians had been invaded by goldminers. This had resulted in the deaths of 1,500 Yanomanis. The miners contaminated he Yanomanis' land and water with mercury. Advocates for the indians had either been persecuted or assassinated by multinational agents.

Right of Reply

NABILA CHAALAN (Syria), speaking in exercise of the right of reply, said many non-governmental organizations were not contributing to the functioning of the Commission. Barbarous acts were being committed in he occupied Arab territories and against the Palestinian people. The will of the international community could not be diverted, and the equating of zionism with racism could not be erased, despite the attempts of certain groups to do so.

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United Nations

Press Release

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HUMAN RIGHTS COMMISSION CONTINUES DEBATE ON ECONOMIC, SOCIAL, CULTURAL RIGHTS

Hears Member of Supreme Soviet Confirm His Country's Commitment to Perestroika and Glasnost

GENEVA, 11 February (UN Information Service) -- As the Commission on Human Rights began the third week of its forty-seventh session this morning, it heard Anatoly Denissov, member of the Supreme Soviet of the Soviet Union, reaffirm his country's commitment to the principles of perestroika and glasnost while characterizing the approach at the Commission to the recent events in the Baltic republics as "emotional, somewhat one-sided and not always balanced".

Mr. Denissov addressed the Commission during its continuing consideration of agenda items relative to the realization of economic, social and cultural rights and the right to development. Those items were introduced last Friday together with the items on the status of the International Covenants on Human Rights and the effective functioning of human rights treaty bodies.

Also participating in the morning's debate were representatives of the United States, China, Indonesia, France, Austria, Senegal, Ecuador and India as well as of the World Confederation on Religion and Peace, the World Federation of Trade Unions and the American Association of Jurists.

Its open-ended Working Group on the drafting of a declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities also is continuing its work.

Statement by Member of Presidum of Supreme Soviet of USSR

ANATOLY DENISSOV (Soviet Union), member of the Supreme Soviet, affirmed that the processes of perestroika and democratization under way in the Soviet Union were aimed primarily at reasserting the principle that human rights were inviolable, and at dismantling the rudiments of totalitarianism. The democratic transformation of Soviet society initiated over five years ago had involved a radical reappraisal of orthodox dogmas and ideologically influenced perceptions as regarded man, his rights and freedoms. Those efforts had

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already been implemented in the form of a new set of laws adopted by the Supreme Soviet which served as a foundation for civil society based on the rule of law.

Referring to the situation in the Baltic region, Mr. Denissov said he wanted to share his impression with the Commission, especially since "an emotional, somewhat one-sided and not always balanced approach prevailed here". How and why blood was shed would be determined by the investigation conducted by the Procurator's Office of the Soviet Union, as well as by the relevant bodies of the republics. However, army units had been in no way involved in the clashes which took place in Riga. The conflict had occurred between different units belonging to the Ministry of Internal Affairs of Latvia. The Soviet Government was seriously concerned with the developments in the Baltic republics and would take all measures to defuse the situation. The Soviet Constitution provided for the right of each republic to secede from the Union. The Soviet leadership was prepared to discuss with the Baltic republics any problem on the basis of existing laws.

An objective analysis, he continued, showed that the situation in the Baltic region had deteriorated as a result of a struggle for power among opposite extremist groups. The refusal to observe the legislation of the Soviet Union and the President's decrees, the violation of human rights and discrimination of minorities had produced in the republics a situation of lawlessness. There could only be one way out of the present situation, through dialogue, restraint, compromise and prevention of violence. What mattered most now was to not damage the positive processes and contacts which were discernible in relations between the Soviet Government and the Baltic republics. In that context, sometimes imbalanced and incorrect statements could have a destabilizing effect on the political situation in the Soviet Union and, in the end, produce further obstacles for the Soviet leadership in finding a political solution for that sensitive problem.

Mr. Denissov then asked whether the reactions in some countries to the developments in the Baltic region were based on a "groundless fear that perestroika is coming to an end". "I can state with the sense of responsibility", he said, "that the course we embarked on both in domestic and in foreign policy in 1985 remains unswerving."

The Soviet Union, he said, was committed to the principles laid down in the Paris Charter, and it viewed as binding the agreements reached in the framework of the Conference on Security and Co-operation in Europe (CSCE) meetings on the human dimension and, in particular, in Copenhagen. The country had started preparing for the Moscow humanitarian conference with the conviction that this meeting would be another mileston in the European process, and that it would reaffirm that the Soviet Union was faithful to the ideals of freedom, democracy and protection of human rights.

Statements in Debate

MORRIS ABRAM (United States) said his country was aware that more than one third of the world was ill-clothed, ill-housed and ill-fed. The United

States remained committed to expending its treasure and energies to help advance development world-wide. Development was a goal that depended on respect for individual rights and civil liberties. Economies today prospered where human rights were respected. Repression guaranteed economic failure because the protection of human rights was a sine qua non for sustainable development. Development required protection of the human rights to own property, equality of opportunity and the chance for full political participation of all citizens.

A great deal of time, money and resources had been expended trying to explain and "realize" the right to development, he went on to say. The right to development was no more than an empty vessel into which hopes and expectations could be poured. The idea was dangerous because it implied that fundamental freedoms could not be fully realized until all peoples enjoyed the right to development. It did not cost a cent to give people the right to vote, to pray or speak their minds. Those freedoms did not need to wait for the achievement of economic goals. That would excuse those regimes which suppressed their citizens' rights in the name of development. The United States believed that such countries must make internal reforms which would enable them to generate wealth and thus feed and clothe their peoples. There was a fundamental link between human rights and development.

ZAG YISHAN (China) said that contrary to the present doctrine which emphasized that the right to development was only a right of the individual, the right to development was both a right of States or nations and of individuals. There was no point in talking about the right to development for individuals when their countries were subjected to foreign domination. Only when States or nations achieved development could favourable political, economic and social conditions be provided for the development of individuals.

To fully realize the right to development, it was essential to eliminate that obstacles that stood in the way of the development of nations. There still existed in today's world various forms of colonialism, racism, foreign aggression and occupation, as well as the denial of State sovereignty, independence and the self-determination of peoples. The economic environment, unjust and irrational to the developing countries, had led to the growing gap between the North and the South. Any change of the present situation would require the establishment of a new international political relationship coupled with the improvement of the existing international economic order.

RAHARDJO JANTOMO (Indonesia) said the successful application of the right to development was imperative in gaining respect for all other human rights. Moreover, the foremost problem of the right to development was that of resolving fundamental needs which directly affected millions of lives. Each State had a duty to co-operate with others in promoting development and eliminating obstacles it. A mutually reinforcing relationship between economic growth and human welfare should be established. The burdens of debt and underdevelopment would continue to have human rights implications and a plan to combat those burdens should be defined. Indonesia for its part had drawn up a set of seven principles, designed to reflect the multiplicity of the development process and to act as guidelines in the implementation of

national development. There should be equal weight given to economic, social and cultural rights and to civil and political rights.

STEPHANE HESSEL (France) said this session of the Commission took place at what was perhaps the most menacing period since the United Nations was created. It was a historical error to separate development and human rights. Development could not be based solely upon economic criteria. The new winds of democracy should sweep away totalitarianism. Humankind should be the object, not the subject, of development, and thus there should be less emphasis on gross national product growth and more upon direct involvement of the people. That should be enforced on all levels of society. The Government of France had sought to allocate increased resources to more vulnerable sectors of society. United Nations institutions for development must fine-tune their analyses and indicators. There should also be more contact between specialists and the regional organizations. The gap this generation had the task of reducing was not just between rich and poor but also between those peoples whose voices must be heard in decisions that concerned them and who aspired to that responsibility without yet having the means to exercise it. Meeting those two objectives should be the aim.

FELIX ERMACORA (Austria), referring to other agenda items, said the work of treaty bodies was seriously affected by postponements or cancellation of their regular meetings due to the lack of financial resources. As a consequence, reports from States parties due for consideration could not be discussed by the different committees, and existing backlogs grew even further. The large numbers of overdue reports complicated the proper functioning of many treaty bodies and made it difficult for States parties -- in particular the smaller ones -- to fulfil effectively their obligations under those instruments. In order to enable treaty bodies to meet as required on a regular basis, it would seem necessary to finance all treaty bodies from the regular budget of the United Nations. Although certain conventions did not contain such provisions, the necessary political decisions should be taken by the General Assembly as a matter of priority in order to secure regular meetings of the treaty bodies. Further, he said, information received from individual countries under different human rights instruments had to be collected by, and made available through, the Centre for Human Rights. The computerization and the establishment of a data bank in the Centre were important first steps in that direction. In addition, the role of special rapporteurs and of ad hoc groups should be complementary and brought into line with each other.

ALIOUNE SENE (Senegal) said that the Declaration on the Right to Development was not a catalogue of artifice. Rather, it took its power from a moral sense of solidarity for the freedom of man, and for the equal sharing of responsibility designed to improve the social well-being of all. The right to development was a human necessity and was vital in building a new world order. It was difficult to talk of development without history, in respect of the authenticity of each culture. Modernization, training and democratic institutions were vital in developing a people's civil rights. This was a time of progress and also of far-reaching change. Freedom was breaking out, but this was not to be seen as the end of history. Yet the defence of liberty

should not let one forget human rights violations, which were still rife world-wide. The consequences of the economic crisis gave direct rise to various expressions contrary to the enjoyment of human rights. No talk of a new order could be complete without a full discussion of various human rights, the debt crisis, ecology and genetic manipulation, among other matters.

EDUARDO SANTOS (Ecuador) stressed the need for a dialogue in the conflict in the Near East. The disproportionate allocation of expenses for arms had hampered the development of many countries, he said. In the third world, external debt had badly affected economic, political and social development. International solidarity was needed for the promotion of a just and equitable society, particularly in those regions where development was stagnating. In Ecuador, significant progress had been made in the social arena, especially in education and health. Furthermore, the Government had spared no effort in the integration of the indigenous population.

DAVID ARNOTT, of the World Conference on Religion and Peace, pleaded for cultural rights to be given a stronger place than they currently occupied. Too often, he said, in a world ruled by the market economy, richness of cultural and social life was reduced to the one-dimensional track of "economic behaviour". Culture could be understood as the means by which individuals and groups interpreted the world and themselves. In reports offering that description, there were also expressions of concern about the harm that cultures, especially in the South, suffered through their exposure to images and values originating in the industrialized world by the transnational media. The threat to culture was not only transboundary; it was often States that violated the cultural rights of peoples within their boundaries.

DANIEL RETUREAU, of the World Federation of Trade Unions, said it was regrettable that the rights of trade unions were violated not only in the third world but in the United States, which had not signed any of the conventions of the International Labour Organisation. In the United States employers could replace workers under strike. Trade unions were harshly penalized for organizing strikes or other work stoppage measures. An example was provided by the cases of the 11,000 civil aviation controllers who had been dismissed by the Reagan Administration. In France, 50,000 workers were sent off their jobs since 1984 because of their membership in the General Confederation of Workers (CGT). There was a total absence of trade unions in Saudi Arabia, Bahraín, Qatar, Oman and Iran.

ALEJANDRO TEITELBAUM, of the American Association of Jurists, noted that gross domestic product in Africa and Latin America was dropping while the transfer of net resources to developing countries was up. The "lost decade" of the 1980s had led to a widening of the gap between rich and poor, and no change of that situation was in sight. Reports showed that the Gulf war would lead to severely increased interest rates and credit squeezes. That burden would be borne by debtor countries. Stagnation, the emergence of new debtor countries, a greater debt burden for some and the reduction in resources for others had also been forecast. Experience showed that the actions recommended by the International Monetary Fund rarely worked and often produced adverse effects. The debt problem needed solutions, not management. He said many

transnational economic operations were financial crimes, involving illegal and irregular acts. Such had been the case in Chile and Argentina. International economic development should be regulated, and the abuse of economic power must be made an international crime.

I.S. CHADHA (India) said the right to economic, social and cultural rights could only be considered alongside the right to development. For developing countries, the right to development was of paramount importance. Some thought the right to develop was without legal basis. The Charter of the United Nations itself proved that claim to be without substance. The right to development was the right of the individual, groups and peoples to participate in all aspects of development. The belief in multilateralism and interdependence was under increasing stress. The full realization of economic, social and cultural rights was affected by currents in the global economic situation. In speaking of development, there should not only be discussion of the satisfaction of material needs but also the creation of conditions necessary for improvement in the quality of life of human beings. There could not be durable peace so long as social and economic disparities between nations continued to widen. All States should co-operate in the creation of an economic and political environment conductive to the realization of the right to development.

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